



APPLICATION ACCEPTED: July 21, 2003
APPLICATION AMENDED: April 5, 2004; April 6, 2005; June 28, 2006
PLANNING COMMISSION: January 10, 2007
BOARD OF SUPERVISORS: January 22, 2007 @ 3:30 p.m.

County of Fairfax, Virginia

January 3, 2007

STAFF REPORT

APPLICATIONS RZ/FDP 2003-SU-035
(concurrent with SE 2003-SU-023)

SULLY DISTRICT

APPLICANT: Sully East LC

PARCEL(S): 34-2 ((1)) 1A, 2, 3A, 10A, 27, 33 pt. and 35;
and a portion of Barnesfield Road, to be
vacated (1.54 ac.)

PRESENT ZONING: I-3, I-5, Sully Historic Overlay District (SHOD),
Water Supply Protection (WSPD)

REQUESTED ZONING: PDH-16 (Planned Development Housing)
parcels 2 pt. (7.56 ac.), 3A pt. (3.91 ac.), 10A
(37.18 ac.), 27 pt. (5.55 ac.), and 35 pt. (8.41
ac.) plus a portion of Barnesfield Road to be
vacated and/or abandoned

PDC (Planned Development Commercial)
parcels 1A (2.26 ac.), 2 pt. (1.80 ac.), 3A pt.
(4.0 ac.), 27 pt. (3.75 ac.), 33 pt. (0.01 ac.) and
35 pt. (1.70)

SHOD and WSPD

ACREAGE: 77.74 acres (PDH-16 is 64.20 acres, including
1.55 acres of vacated right-of-way; PDC is
13.54 acres)

FAR (PDC): 0.25 FAR

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DENSITY (PDH-16):	15.6 du/acre
OPEN SPACE:	19% PDC 36% PDH
PLAN MAP:	Office
PROPOSAL:	<p>RZ/FDP 2003-SU-035 is proposed to rezone 64.20 acres of the subject property from the I-5 District to the PDH-16 District and 13.54 acres from the I-3 and I-5 District to the PDC District to permit a mixed-use development comprised of age-restricted (55 years and older, with one building restricted to 62 years and older) multi-family and single-family attached residential uses (120 DUs will be ADU/WFH), office and neighborhood retail uses.</p> <p>SE 2003-SU-023 is a Category 6 Special Exception request to allow a increase in building height up to 60 feet for six multi-family buildings located on 21.76 acres of the site that are contained within the Sully Historic Overlay District.</p>

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2003-SU-035, subject to the execution of proffers consistent with those found in Appendix 1 of this report.

Staff recommends approval of FDP 2003-SU-035, subject to the Board's approval of RZ 2003-SU-035 and subject to the proposed FDP conditions found in Appendix 2 of this report.

Staff recommends approval of SE 2003-SU-023, subject to the Board's approval of RZ 2003-SU-035 and subject to the proposed SE conditions found in Appendix 3 of this report.

Staff recommends approval of the modification of the loading space requirement for multifamily residential uses to one space per multifamily building.

Staff recommends approval of a modification of the barrier requirement along the Centreville Road frontage and the southern boundary of the property in favor of the 3 to 6 foot-high undulating, landscaped berm shown on Sheet 12 of the CDP/FDP.

Staff recommends approval of a modification of the transitional screening requirements between PDH-16 and PDC uses within a single development in favor of the landscape treatment shown on the CDP/FDP.

Staff recommends modification of the 25-foot transitional screening yard requirement along the southern property line (in areas where fire access lanes are required), in favor of the detailed landscape treatment shown on the CDP/FDP.

Staff recommends approval of a waiver of the privacy yard fencing requirement for front-loaded single-family attached residential uses, in favor of that shown on the CDP/FDP.

Staff recommends approval of a modification of the PFM requirement for a minimum 8-foot width for tree planting strips to permit lesser widths with the use of structural soils.

Staff recommends approval of a waiver to permit private streets in excess of 600 linear feet to that shown on the CDP/FDP.

Staff recommends approval of a waiver of the PFM requirement to permit a wet pond in a residential area.

Approval of this application should be contingent upon the applicant's payment of funds according to the Board of Supervisors' formula for the rezoning of commercial and industrially zoned land to residential use within the Route 28 Tax District, with such payment to be received prior to the effective date of the rezoning as set by the Board of Supervisors. Staff recommends that the Board of Supervisors set a date, up to sixty (60) days from the Board's decision on this application, as the "effective date of the rezoning." Failure by the applicant to provide payment to the County of the full amount determined by the formula described herein prior to the effective date of this rezoning decision shall mean that the change in zoning requested by the applicant shall not become effective and that this rezoning decision shall be void in accordance with Virginia Code Section 15.2-4608 (C).

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center)





APPLICATION FILED: July 21, 2003
APPLICATION AMENDED: August 13, 2004, January 7, 2005 and August 1, 2006
PLANNING COMMISSION: January 10, 2007
BOARD OF SUPERVISORS: January 22, 2007 @ 3:30 p.m.

County of Fairfax, Virginia

January 3, 2007

STAFF REPORT

APPLICATION SE 2003-SU-023 (concurrent with RZ/FDP 2003-SU-035)

SULLY DISTRICT

APPLICANT: Sully East LC

ZONING: PDH-16 (Planned Development Housing), SHOD and WSPOD

PARCEL(S): 34-2 ((1)) 2 pt., 3A, 10A, and 27 pt.; and a portion of Barnsfield Road, to be vacated

ACREAGE: 21.76 acres

DENSITY: 25.2 du/acre

OPEN SPACE: 24%

PLAN MAP: Office

SE CATEGORY/USE: Category 6 Increase in Building Height

PROPOSAL: SE 2003-SU-023 is a Category 6 Special Exception request to allow a increase in building height up to 60 feet for six multi-family buildings located on 21.76 acres of the site that are contained within the Sully Historic Overlay District.

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Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2003-SU-023, subject to the Board's approval of RZ 2003-SU-035 and subject to the proposed SE conditions found in Appendix 3 of this report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Rezoning Application

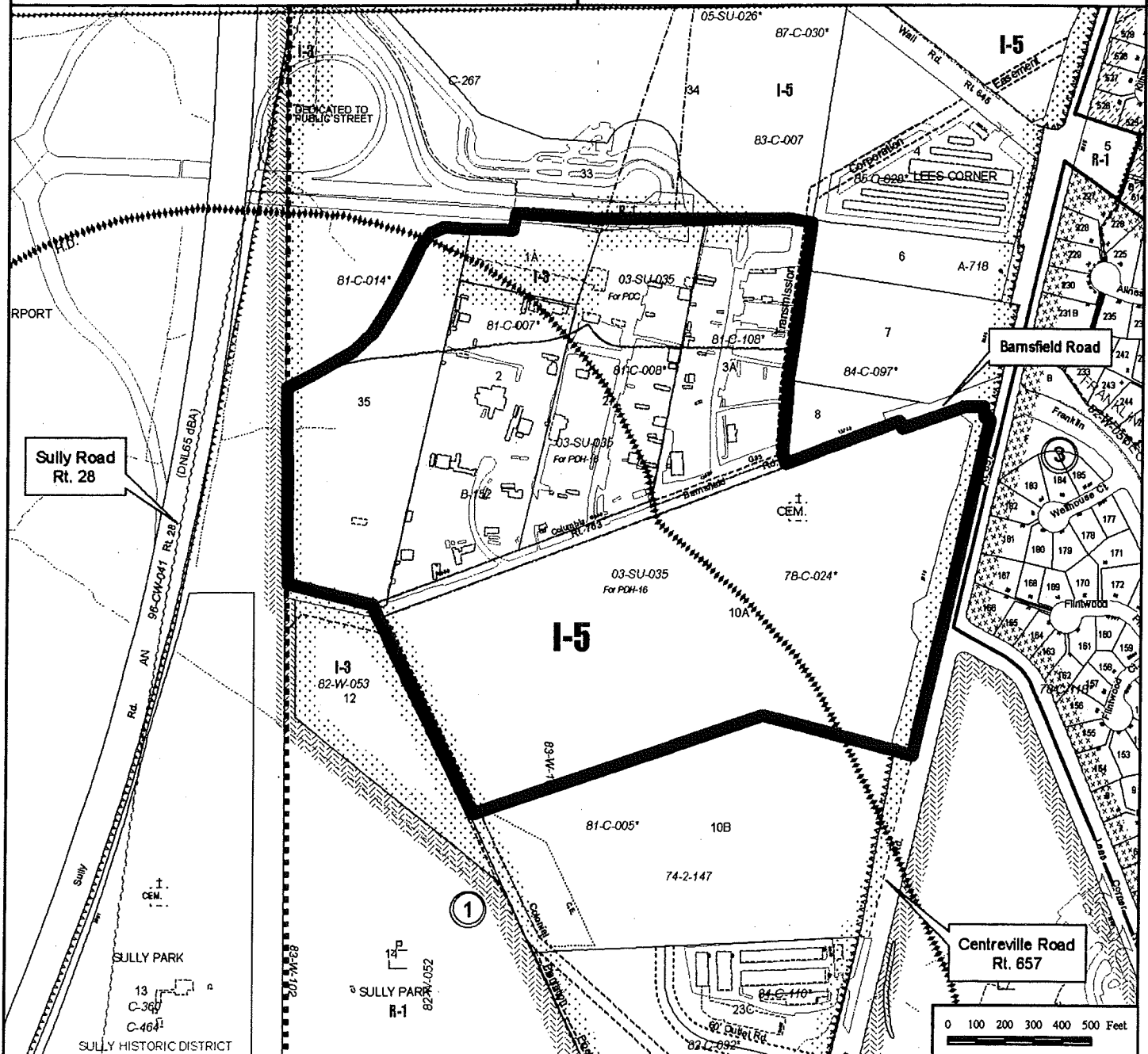
RZ 2003-SU-035

Applicant: SULLY EAST L.C.
 Accepted: 07/21/2003- AMENDED 04/05/2004
 04/06/2005 06/28/2006
 Proposed: MIXED USE
 Area: 77.74 AC OF LAND; DISTRICT - SULLY
 Zoning Dist Sect:
 Located: NORTH AND SOUTH OF BARNSFIELD ROAD
 WEST OF CENTREVILLE ROAD EAST OF
 SULLY ROAD
 Zoning: FROM I- 5 TO PDH-16,
 FROM I- 3 AND I- 5 TO PDC
 Overlay Dist: HD, WS
 Map Ref Num: 034-2- /01/ /0001A /01/ /0002
 /01/ /0003A /01/ /0010A /01/ /0027
 /01/ /0033 Pt. /01/ /0035
 AND PORTION OF BARNSFIELD ROAD
 TO BE VACATED AND/OR ABANDONED

Final Development Plan

FDP 2003-SU-035

Applicant: SULLY EAST L.C.
 Accepted: 07/21/2003- AMENDED 04/05/2004
 04/06/2005 06/28/2006
 Proposed: MIXED USE
 Area: 77.74 AC OF LAND; DISTRICT - SULLY
 Zoning Dist Sect:
 Located: NORTH AND SOUTH OF BARNSFIELD ROAD
 WEST OF CENTREVILLE ROAD EAST OF
 SULLY ROAD
 Zoning: PDH-16 AND PDC
 Overlay Dist: HD, WS
 Map Ref Num: 034-2- /01/ /0001A /01/ /0002
 /01/ /0003A /01/ /0010A /01/ /0027
 /01/ /0033 Pt. /01/ /0035
 AND PORTION OF BARNSFIELD ROAD
 TO BE VACATED AND/OR ABANDONED



Rezoning Application

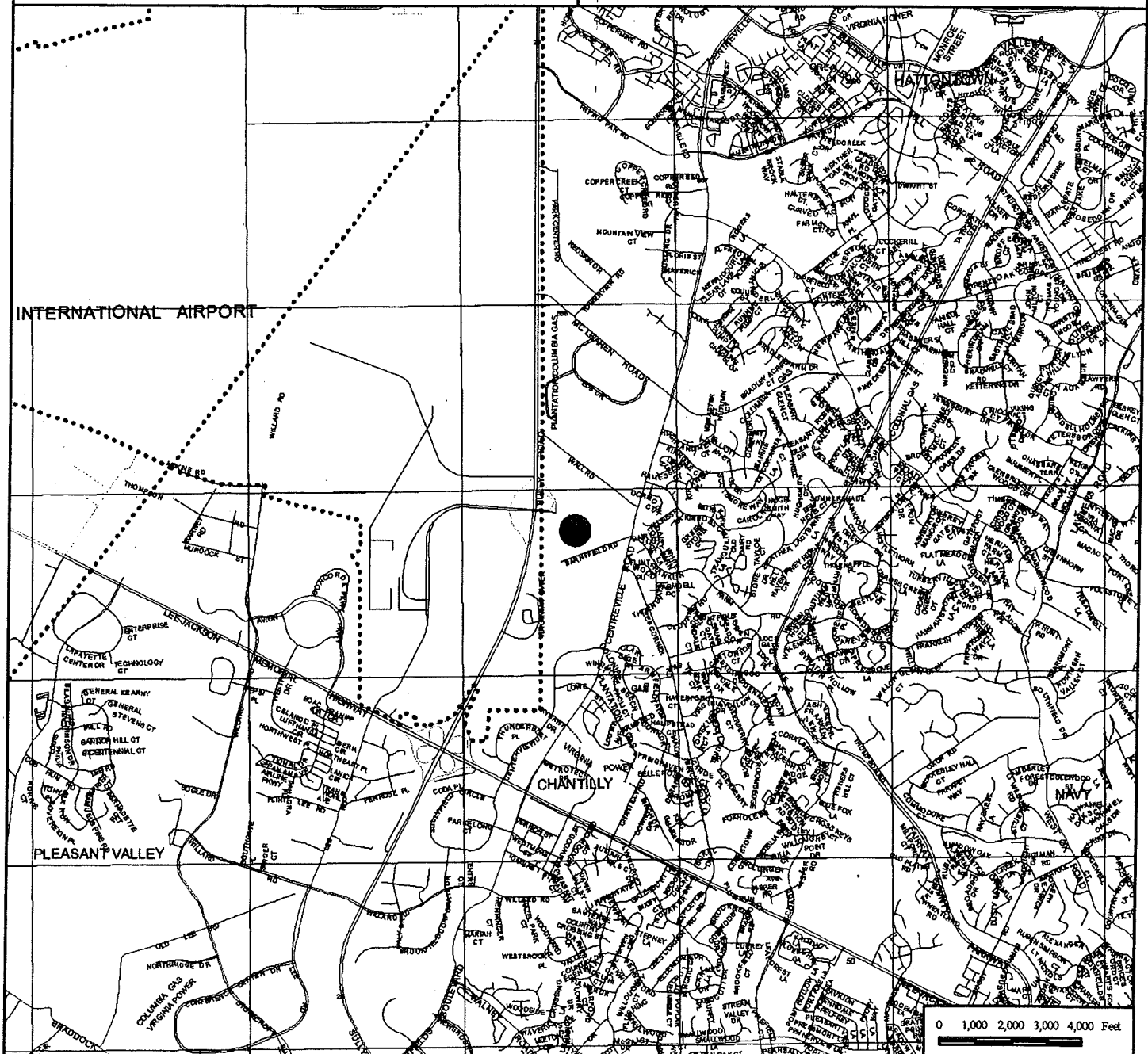
RZ 2003-SU-035

Applicant: SULLY EAST L.C.
Accepted: 07/21/2003- AMENDED 04/05/2004
04/06/2005 06/28/2006
Proposed: MIXED USE
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Located: NORTH AND SOUTH OF BARNSFIELD ROAD
WEST OF CENTREVILLE ROAD EAST OF
SULLY ROAD
Zoning: FROM I- 5 TO PDH-16,
FROM I- 3 AND I- 5 TO PDC
Overlay Dist: HD, WS
Map Ref Num: 034-2- /01/ /0001A /01/ /0002
/01/ /0003A /01/ /0010A /01/ /0027
/01/ /0033 Pt. /01/ /0035
AND PORTION OF BARNSFIELD ROAD
TO BE VACATED AND/OR ABANDONED

Final Development Plan

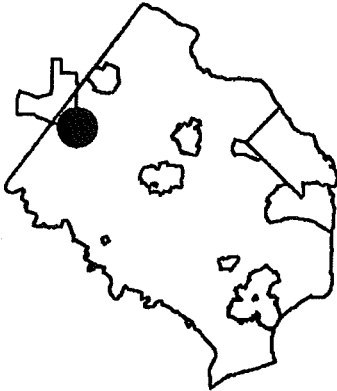
FDP 2003-SU-035

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Accepted: 07/21/2003- AMENDED 04/05/2004
04/06/2005 06/28/2006
Proposed: MIXED USE
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Zoning Dist Sect:
Located: NORTH AND SOUTH OF BARNSFIELD ROAD
WEST OF CENTREVILLE ROAD EAST OF
SULLY ROAD
Zoning: PDH-16 AND PDC
Overlay Dist: HD, WS
Map Ref Num: 034-2- /01/ /0001A /01/ /0002
/01/ /0003A /01/ /0010A /01/ /0027
/01/ /0033 Pt. /01/ /0035
AND PORTION OF BARNSFIELD ROAD
TO BE VACATED AND/OR ABANDONED



Special Exception

SE 2003-SU-023



Applicant:

SULLY EAST L.C.

Accepted:

07/21/2003- AMENDED

Proposed:

08/13/2004 01/07/2005 08/01/2006
INCREASE IN BUILDING HEIGHT IN THE
SULLY HISTORIC DISTRICT FROM 35 FEET
UP TO A MAXIMUM OF 60 FEET

Area:

21.76 AC OF LAND; DISTRICT - SULLY

Zoning Dist Sect:

09-0607

Art 9 Group and Use:

6-03

Located:

13900, 13790 BARNFIELD ROAD

Zoning:

PDH- 16

Plan Area:

3,

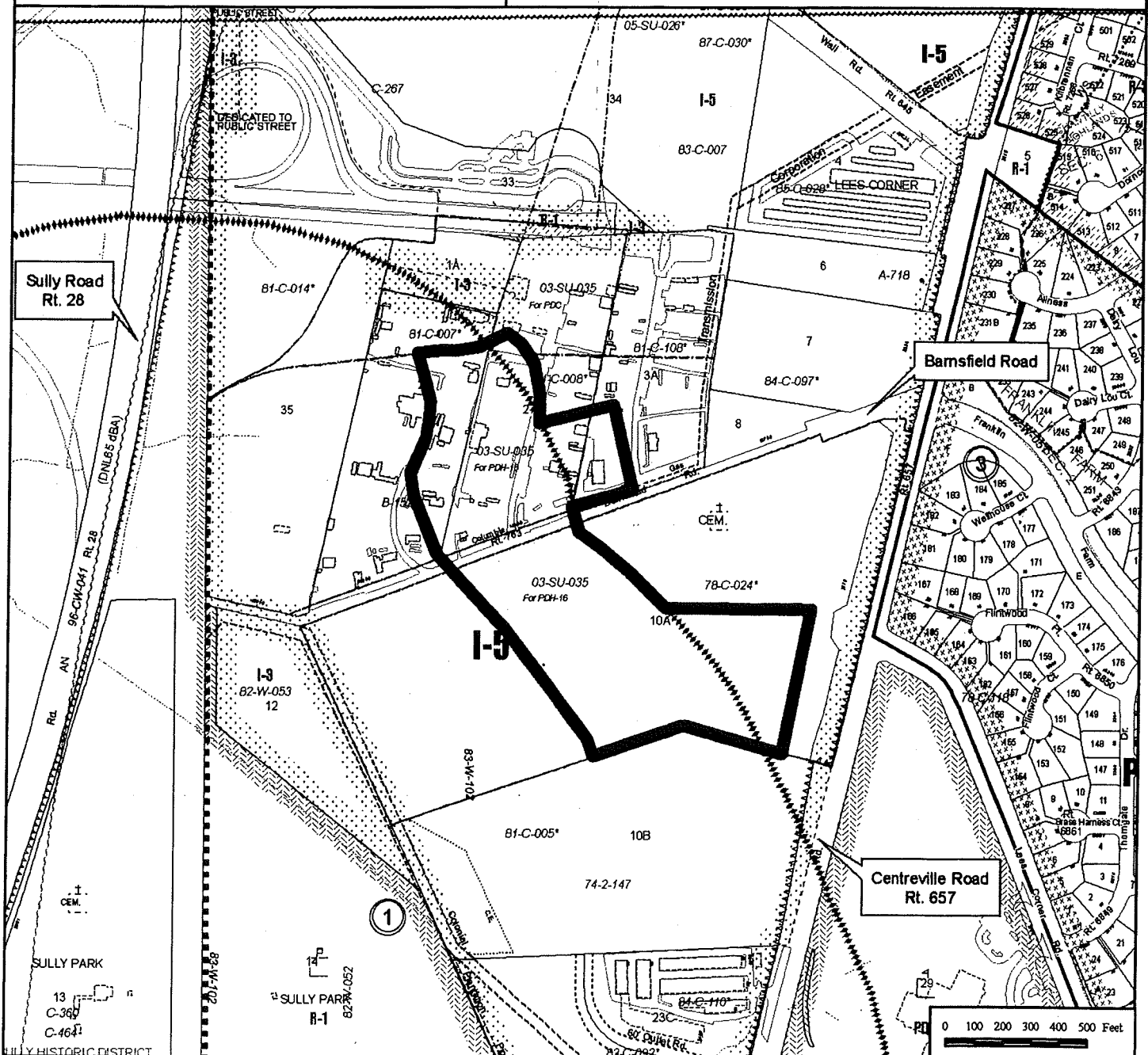
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HD WS

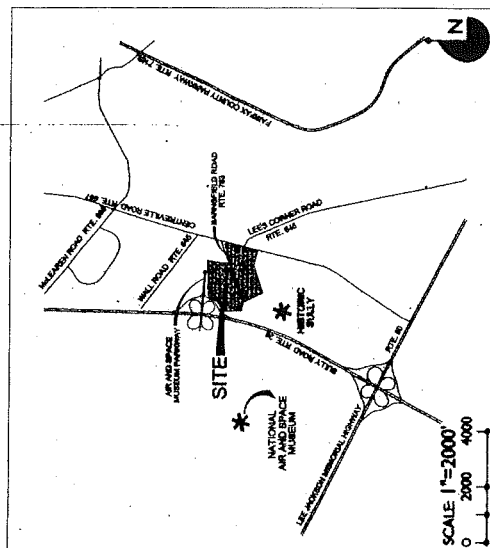
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034-2- /01/ /0002 Pt. /01/ /0003A Pt.
/01/ /0010A Pt. /01/ /0027 Pt.

AND PORTION OF BARNFIELD ROAD
TO BE VACATED AND/OR ABANDONED



SULLY DISTRICT FAIRFAX COUNTY, VIRGINIA RZ 2003-SU-035

VICINITY MAP

NOVEMBER 16, 2006
LDI# 2005041
SHEET 1 OF 13

THE PETERSON COMPANIES / FARMER COUNTY, VA

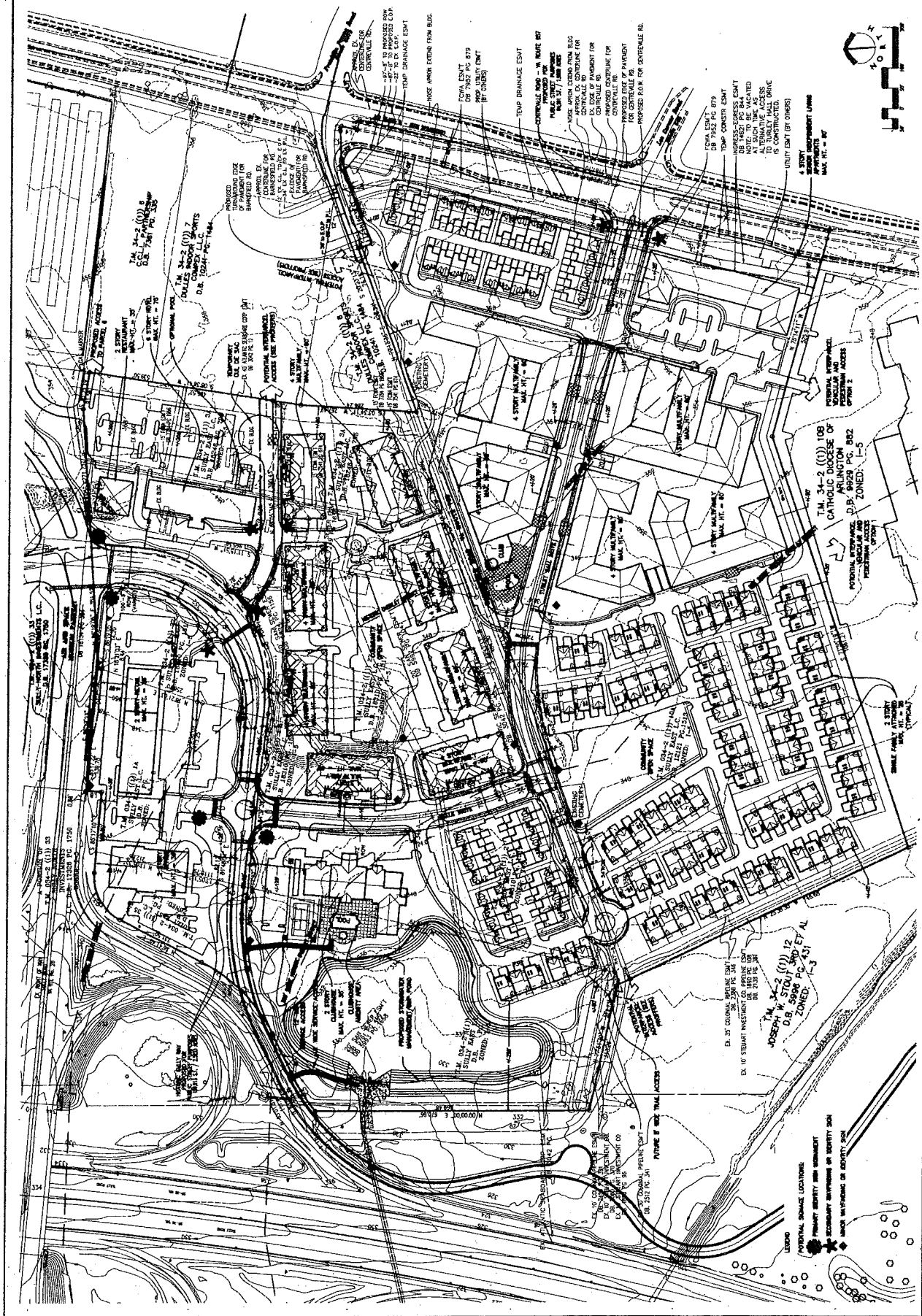
Land Design.

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THE PETERSON COMPANIES / FAIRFAX COUNTY, VA
CONCEPTUAL / FINAL DEVELOPMENT PLAN

12500 Fair Lakes Circle
Suite 400
Falls Church, VA 22033
(703) 227-2090 FAX (703) 631-6481

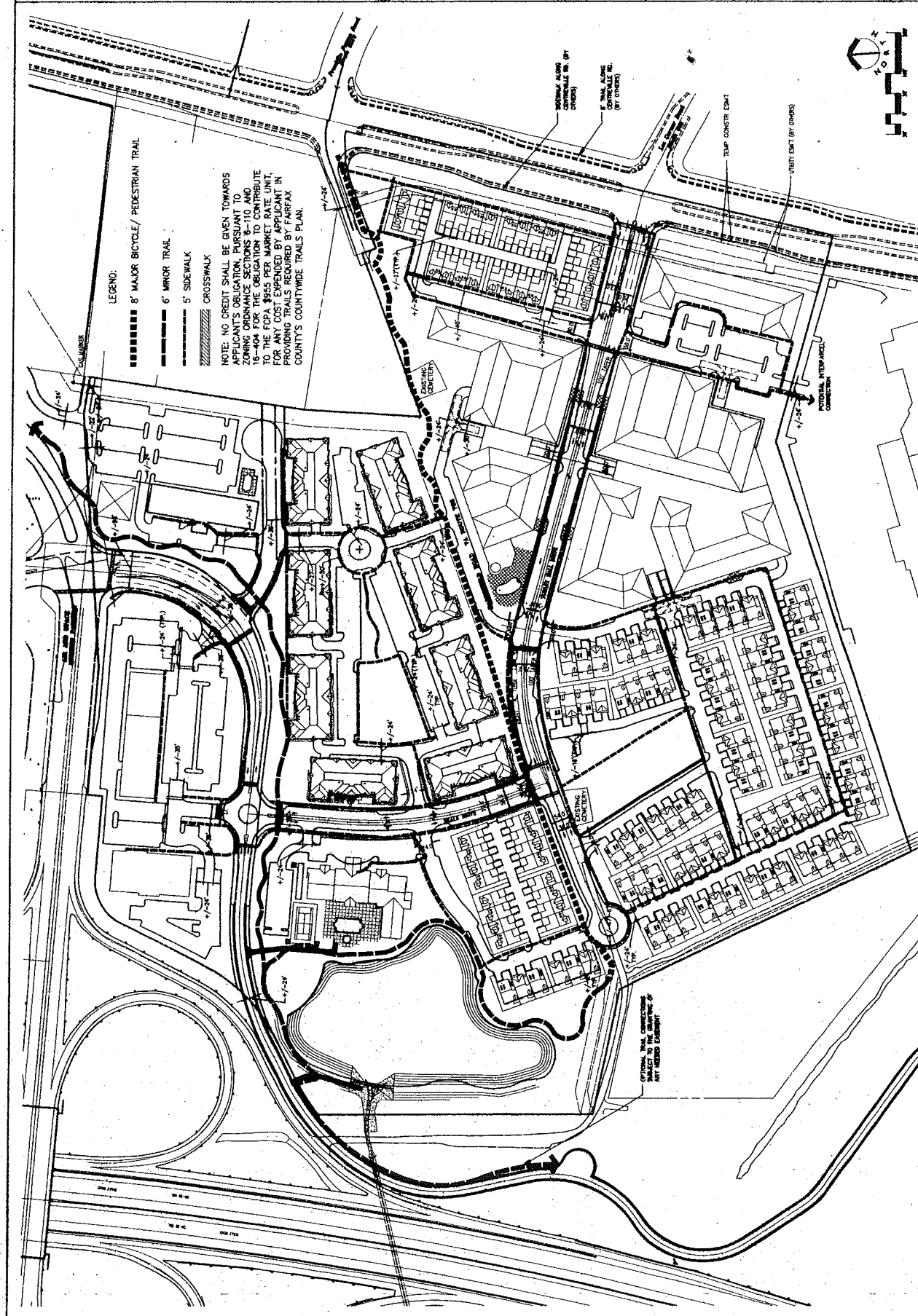
208 S. Peyton St., Alexandria, VA 22314
P: 703.577.714 F: 703.577.4984
www.lawoffice.com

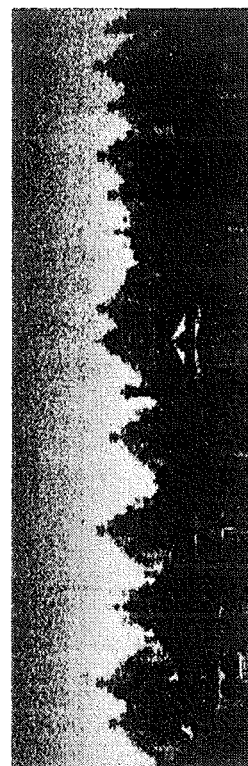
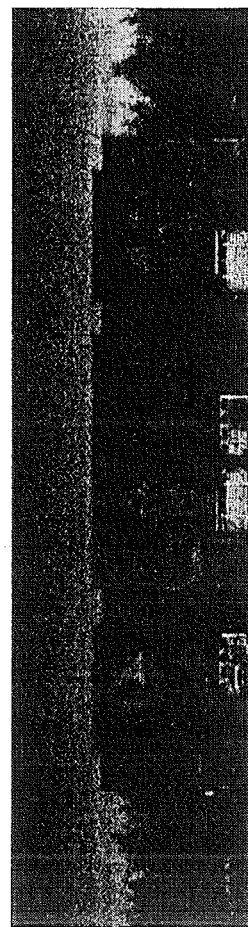
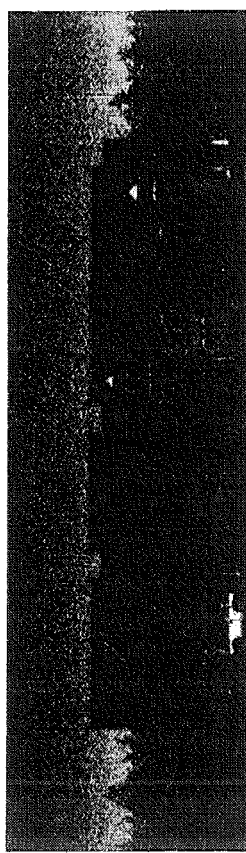
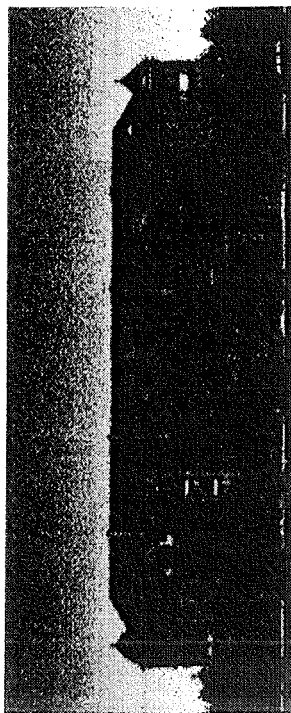
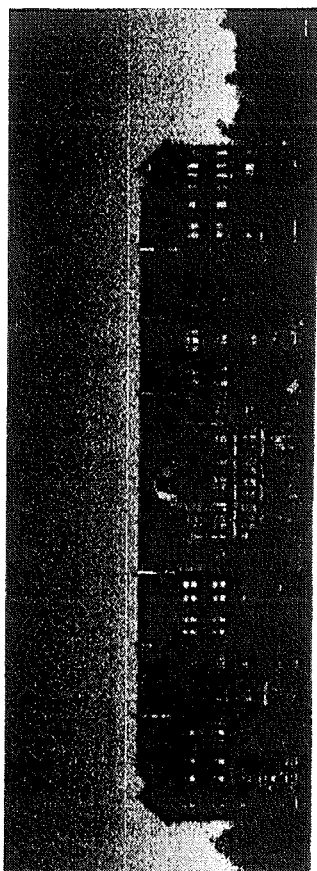


A circular postmark from Charlottesville, Virginia, dated December 16, 1961. The text "CHARLOTTESVILLE, VIRGINIA" is curved along the top, and "DEC 16 1961" is in the center.

The Peterson Companies L.C.
12500 Fair Lakes Circle
Suite 400
Fairfax, VA 22033
(703) 227-2000 FAX (703) 831-6461

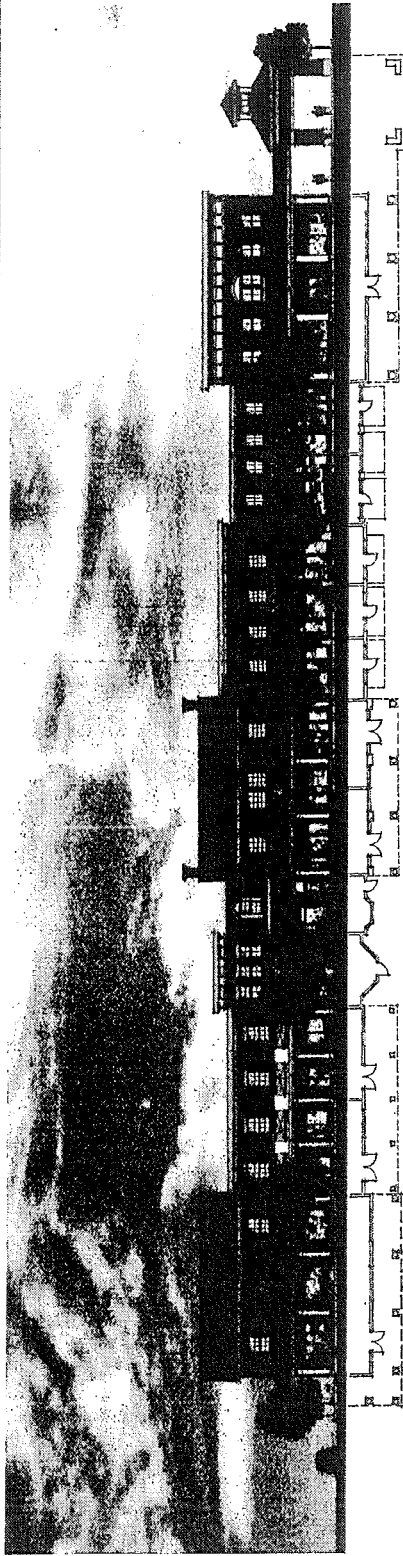
LandDesign.
200 S. Poplar St., Alexandria, VA 22314
P: 703/547-7700 F: 703/547-7700
www.LandDesign.com





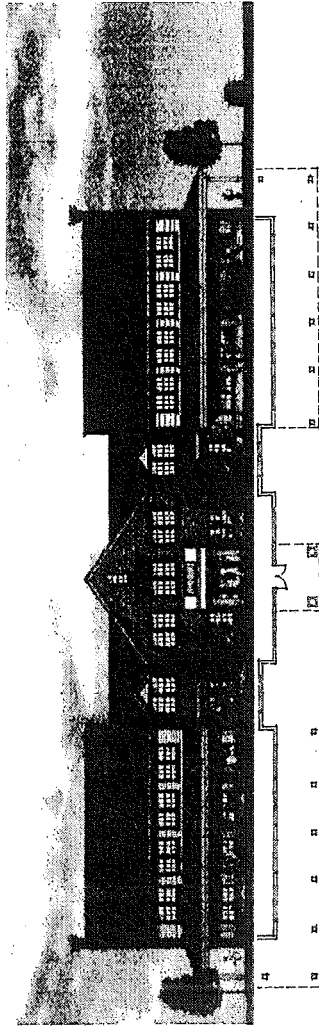
RESIDENTIAL ARCHITECTS
LESSARD ARCHITECTURAL GROUP INC.
8521 LESSARD PKE., SUITE 700
VIENNA, VA 22182
TEL: (703) 760-9344
FAX: (703) 760-9328

NOTE: THE BUILDING ELEVATIONS WERE CONCEPTUAL AND ARE PRESENTED TO ILLUSTRATE THE GENERAL CHARACTER AND THEME OF THE RESIDENTIAL ARCHITECTURE. THE ELEVATIONS AND PLANS MAY BE REFINED WITH FINAL ARCHITECTURE, ENGINEERING AND DESIGN AND IN ACCORDANCE WITH ARCHITECTURAL REVIEW BOARD REQUIREMENTS AT THE TIME OF SITE PLAN AND BUILDING PERMIT APPLICATION.



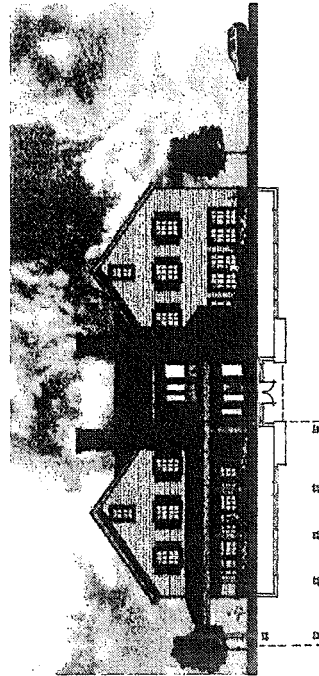
1 RETAIL BUILDING
7 FRONT ELEVATION

NOT TO SCALE



2 OFFICE
7 FRONT ELEVATION

NOT TO SCALE



3 OFFICE
7 SIDE ELEVATION

NOT TO SCALE

COMMERCIAL ARCHITECT
BRYAN IQHAG TURNER
ARCHITECTS + DESIGNERS
1100 PINE - CASCADE BUILDING
SUITE 301
BALTIMORE, MD 21202
P: 410.837.2727
F: 410.837.7447

NOTE: THE BUILDING ELEVATIONS ARE CONCEPTUAL AND ARE PRESENTED TO ILLUSTRATE THE GENERAL CHARACTER AND THEME OF THE NON-RESIDENTIAL ARCHITECTURE. THE ELEVATIONS MAY BE REFINED WITH FINAL ARCHITECTURAL ENGINEERING AND DESIGN. THE ELEVATIONS ARE SUBJECT TO THE REVIEW AND BOARD REQUIREMENTS, AS THEY PERTAIN TO THE OFFICE BUILDING, AT THE OF SITE PLAN AND BUILDING PERMIT APPROVAL.

DATE: 11.14.24
DESIGNED BY:
CHECKED BY:
DRAWN BY:
SCALE: AS SHOWN
PROJECT: 24-0004
SHEET: 12 OF 13

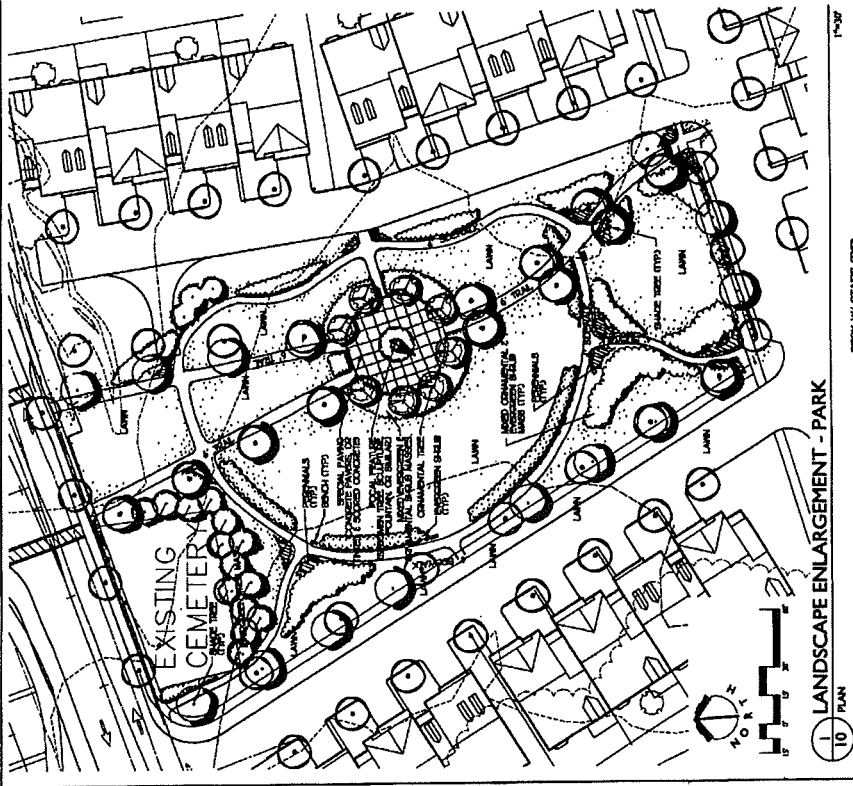
AWSONS
11-16-24 - Addressed Entry Corridor
10-13-24 - Addressed Entry Corridor
09-15-24 - Addressed Entry Corridor
08-15-24 - Addressed Entry Corridor
07-14-24 - Addressed Entry Corridor
06-14-24 - Addressed Entry Corridor
05-14-24 - Addressed Entry Corridor
04-14-24 - Addressed Entry Corridor
03-14-24 - Addressed Entry Corridor
02-14-24 - Addressed Entry Corridor

DULLES DISCOVERY
RZ 2003-SU-035
THE PETERSON COMPANIES / FAIRFAX COUNTY, VA
ARCHITECTURAL ELEVATIONS

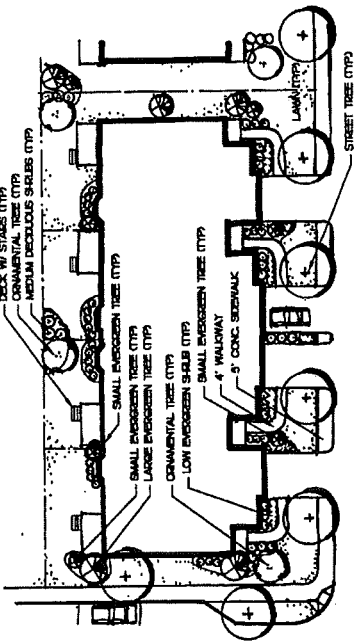


The Peterson Companies L.P.
15500 Fair Lakes Circle
Suite 400
Farmingdale, VA 22031
(703) 227-0000
(703) 227-0000
(703) 227-0000

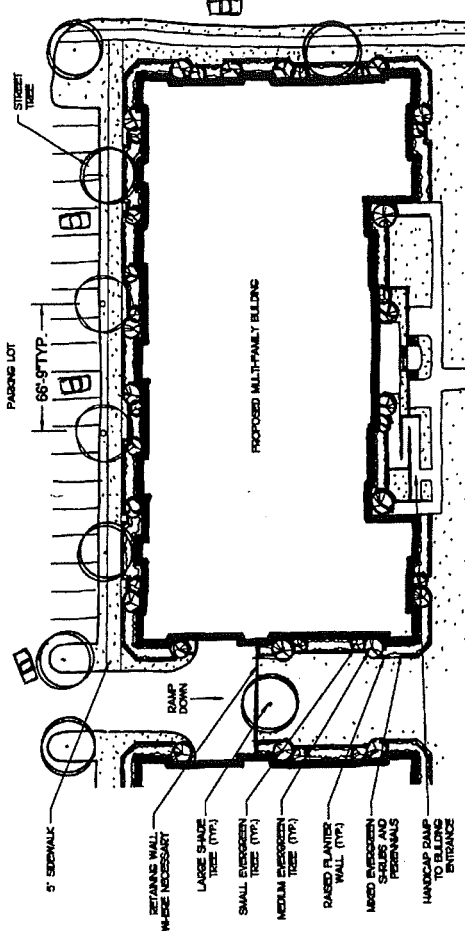
LandDesign
2005 Apple Ln, Alexandria, VA 22314
P: 703.277.1111
www.landdesign.com



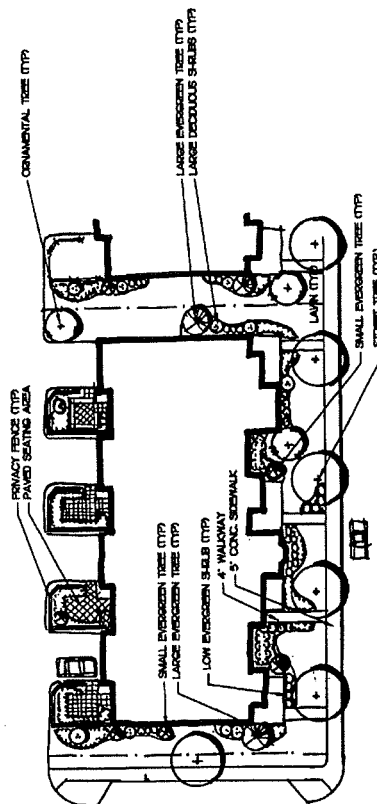
1 LANDSCAPE ENLARGEMENT - PARK



2 LANDSCAPE ENLARGEMENT - TYPICAL SINGLE FAMILY ATTACHED RESIDENCE - FRONT LOADED



3 LANDSCAPE ENLARGEMENT - TYPICAL SINGLE FAMILY ATTACHED RESIDENCE - REAR LOADED



4 LANDSCAPE ENLARGEMENT - TYPICAL MULTI-FAMILY RESIDENCE

NOTE: THE ILLUSTRATIONS ARE FOR INFORMATION ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION. THE LANDSCAPE DESIGNER HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE PLAN. THE LANDSCAPE DESIGNER HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE PLAN. THE LANDSCAPE DESIGNER HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE PLAN.

LandDesign.

The Peterson Companies L.C.
12000 Fair Lakes Circle
Fair Lakes, VA 22039
(703) 837-3000
www.peterson.com



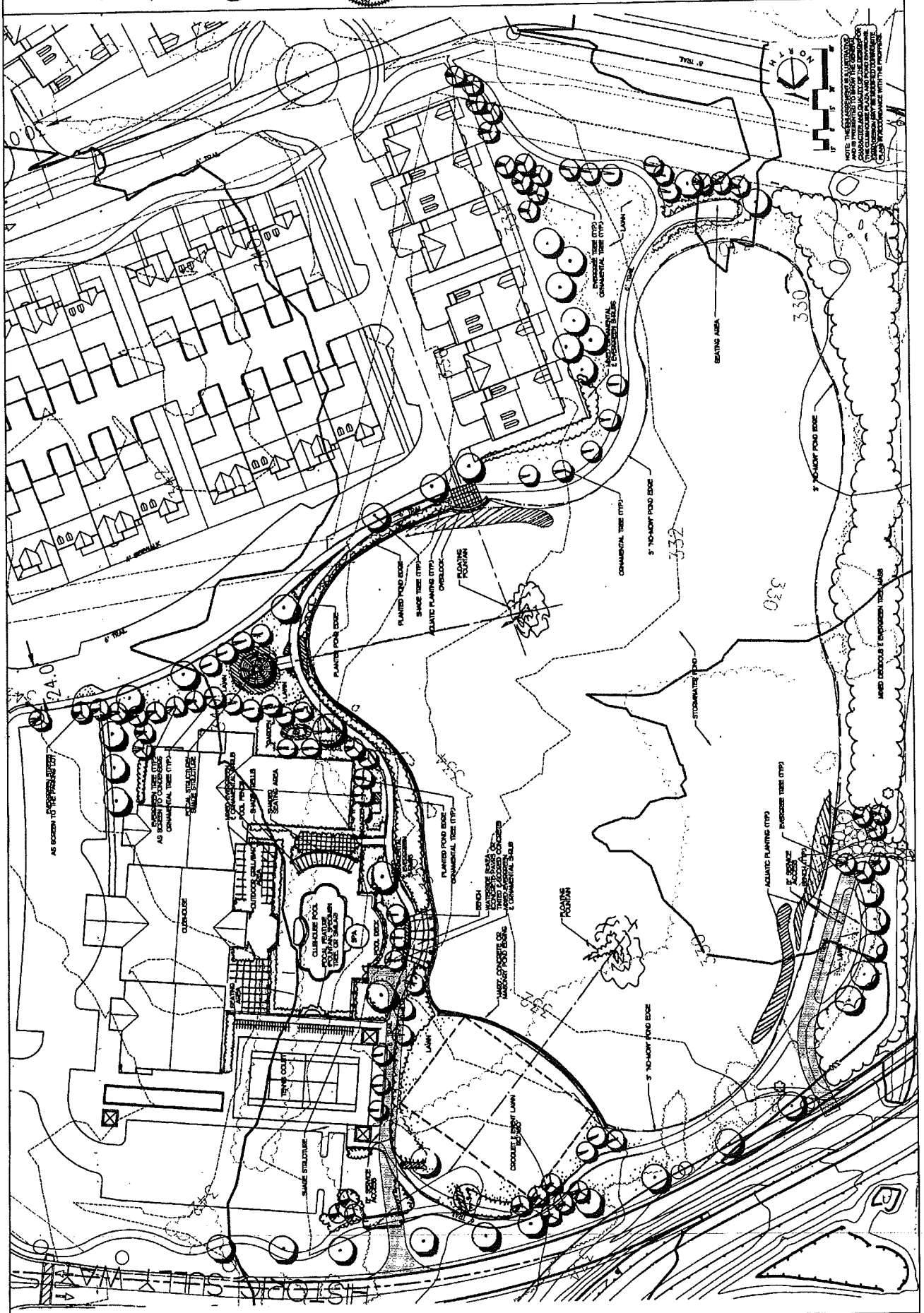
DULLES DISCOVERY
RZ 2003-SU-035
THE PETTERSON COMPANIES / FAIRFAX COUNTY, VA
OPENSPACE ENLARGEMENT

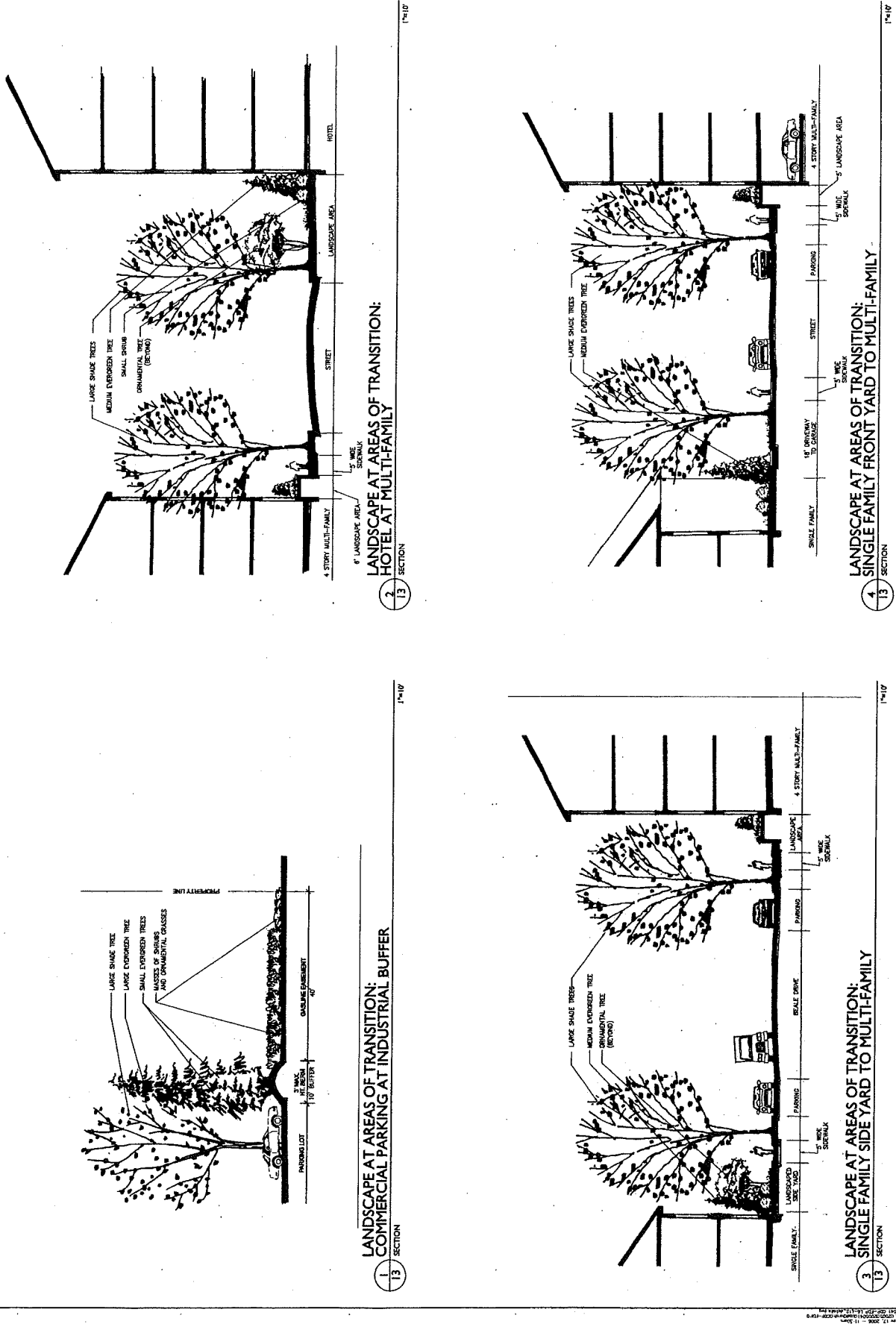
10 OF 14
DATE: 12-14-04
PROJECT: RZ 2003-SU-035
SHEET: 10 OF 14
DRAWN BY: J. L. L. L.
CHECKED BY: J. L. L. L.
APPROVED BY: J. L. L. L.
REVISIONS:
1. 12-14-04: Initial Design
2. 12-14-04: Final Design
3. 12-14-04: Final Design
4. 12-14-04: Final Design
5. 12-14-04: Final Design
6. 12-14-04: Final Design
7. 12-14-04: Final Design
8. 12-14-04: Final Design
9. 12-14-04: Final Design
10. 12-14-04: Final Design

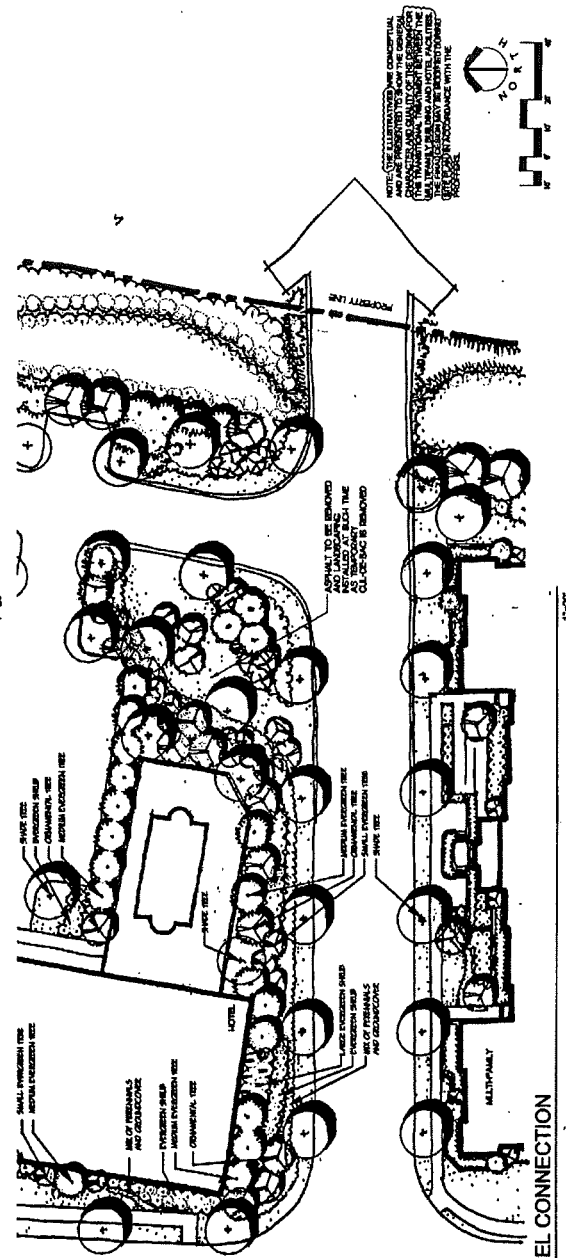
WATER POND

The Peterson Companies L.C.
12500 Pitt Lakes Circle
Suite 400
Fairfax, VA 22033
FAX (703) 631-6481
(703) 287-2000

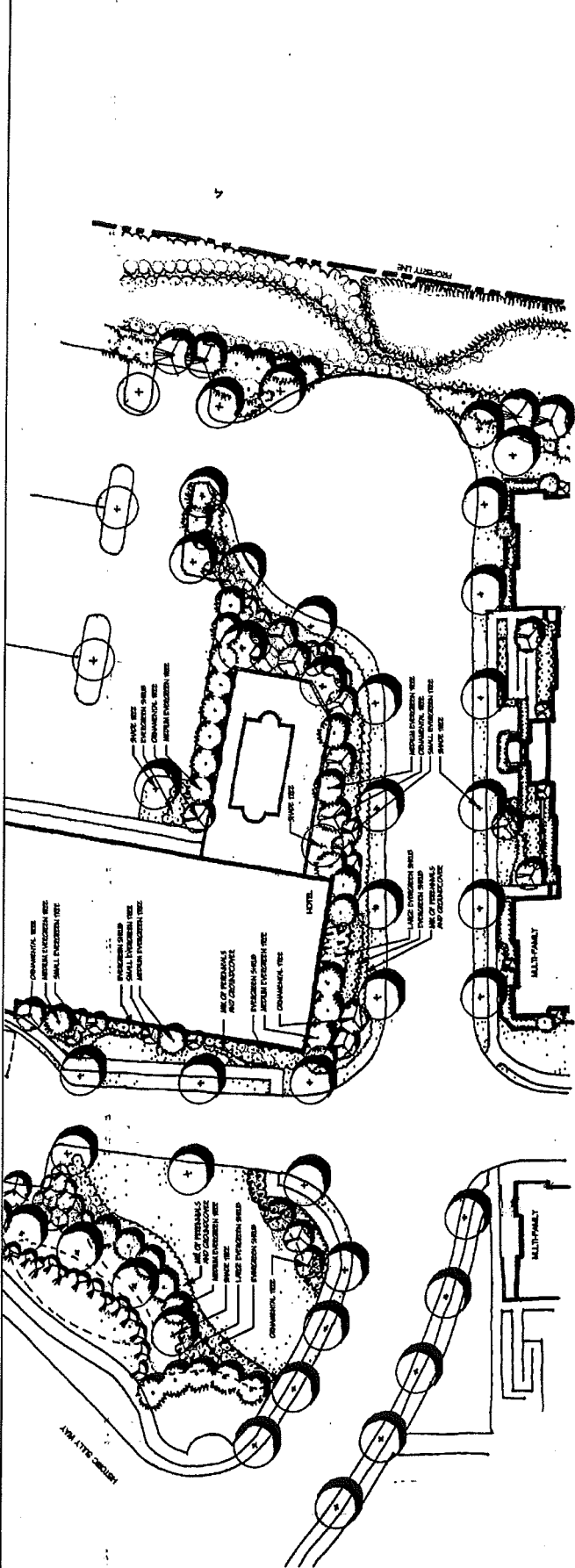
LandDesign •







2 MULTIFAMILY/HOTEL TRANSITION W/ INTERPARCEL CONNECTION



1 MULTIFAMILY/HOTEL TRANSITION W/TEMPORARY CUL-DE-SAC

SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA
S.E. #SE2003-SU-023

VICINITY MAP



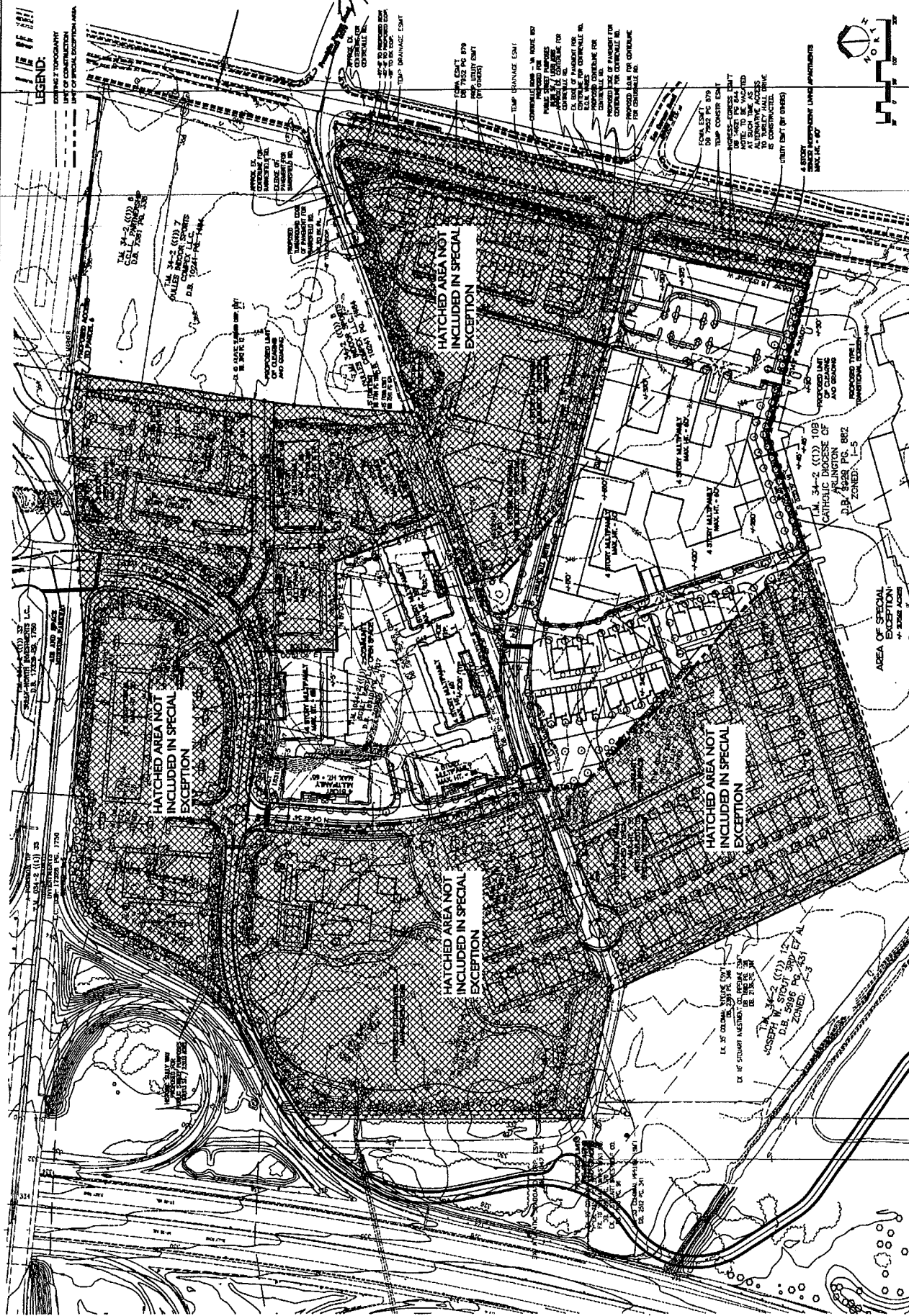
OCT 13, 2006
LDI# 2005041
SHEET 1 OF 7

REVISIONS
 10-11-11 - Added street lighting and drainage
 09-11-11 - Added street lighting and drainage
 08-11-11 - Added street lighting and drainage
 07-11-11 - Added street lighting and drainage
 06-11-11 - Added street lighting and drainage
 05-11-11 - Added street lighting and drainage
 04-11-11 - Added street lighting and drainage
 03-11-11 - Added street lighting and drainage
 02-11-11 - Added street lighting and drainage
 01-11-11 - Added street lighting and drainage
 12-11-10 - Added street lighting and drainage

DULLES DISCOVERY
 SPECIAL EXCEPTION PLAT-SE 2003-SU-023
 THE PETERSON COMPANIES / FAIRFAX COUNTY, VA
 SPECIAL EXCEPTION PLAT

The Peterson Companies L.C.
 18000 Sully Road
 Suite 400
 Fairfax, VA 22033
 (703) 287-8000 FAX (703) 631-4441

LandDesign.
 200 S. Payne St., Alexandria, VA 22304
 V. 10/10/11
 www.landdesign.com



THE PETERSON COMPANIES / FAIRFAX COUNTY, VA

BULLES DISCOVERY

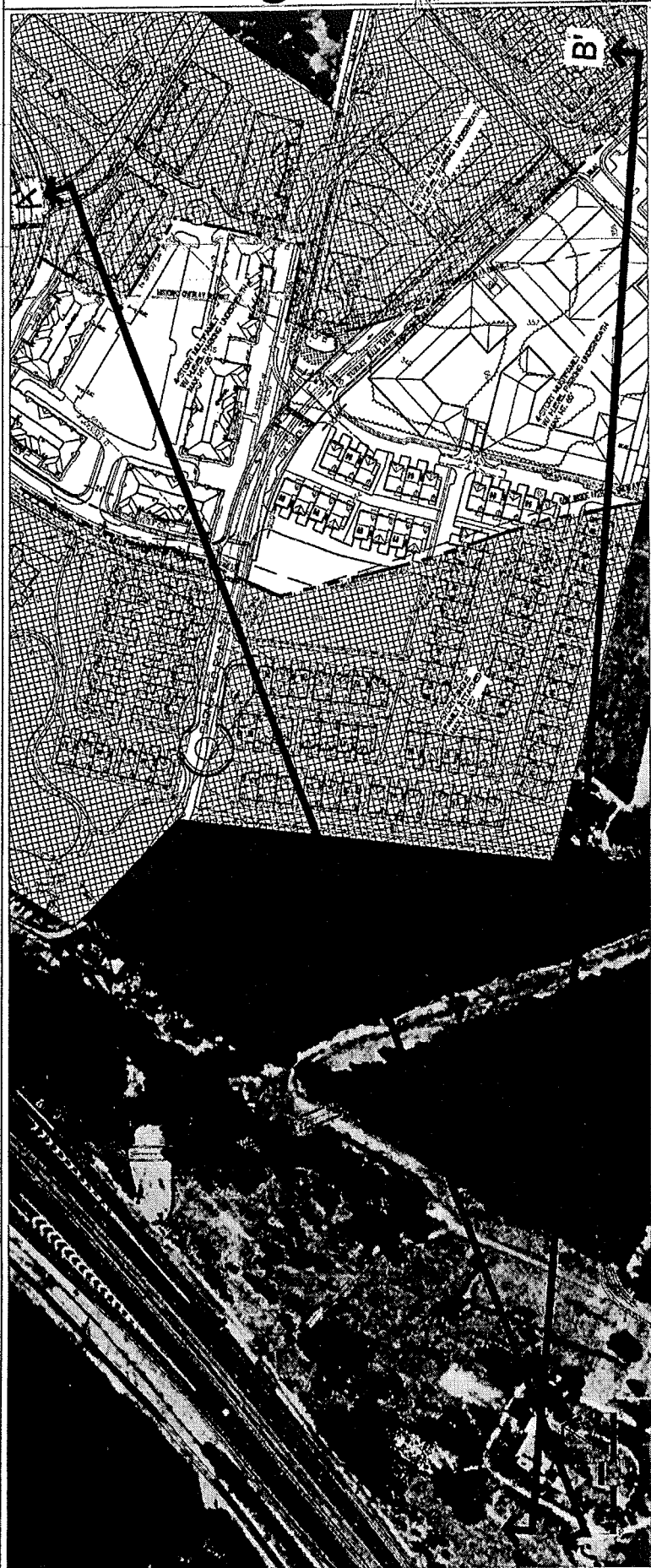
SPECIAL EXCEPTION PLAT-SE 2003-SU-023

The Peterson Companies, L.C.
12500 Fair Lakes Circle

The Peterson Companies, L.C.
12500 Fair Lakes Circle

• Land Design •

SCALE OF THE SECTION:
HORIZONTAL SCALE 1"=100'
VERTICAL SCALE 1"=50'



[illegible]

**A GLOSSARY OF TERMS USED
FREQUENTLY IN STAFF REPORTS CAN BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, Sully East, LC, requests approval to rezone 64.20 acres from the I-5 District (Industrial) to the PDH-16 District (Planned Development Housing), and 13.54 acres from the I-3 and I-5 Districts to the PDC District (Planned Development Commercial) to permit a mixed-use development comprised of age-restricted (55 years and older, with one building restricted to 62 years and older) multi-family and single-family attached residential uses, office uses, and neighborhood retail uses with both surface and structured parking. The applicant also requests approval of a special exception, SE 2003-SU-023, on 21.76 acres to allow an increase in building height from 35 feet to 60 feet for the portion of the site contained within the Sully Historic Overlay District. The application requests a maximum residential density of 15.6 du/ac in the PDH-16 District and a floor area ratio (FAR) of 0.25 in the PDC District. Details of the development are as follows:

	PDC PORTION	PDH-16 PORTION
Acreage	13.54	64.20
DU/acre	-	15.6
No. Dwelling Units	-	1001 units
SF	-	129
MF	-	752
Ind. Living	-	120 (all ADUs/WFH)
FAR	0.25	-
Gross Floor Area:	147,450 sq. ft.	-
Office	40,000	
Retail	16,000	
Hotel	91,450	
Parking Spaces		
Required	539	1540
Provided	543	1,839
Open Space		
Required	15%	35%
Provided	19%	36%

The applicant's draft proffers, Affidavit and Statement of Justification can be found in Appendices 1, 4 and 5, respectively. Staff's proposed FDP and SE conditions can be found in Appendices 2 and 3, respectively.

This application must also comply with a number of Zoning Ordinance Provisions, including those found in Article 6, Planned Development Districts, and Article 16, Development Plans, excerpts of which are found in Appendix 19.

Approval of this application is also contingent upon the applicant's payment of funds according to the Board of Supervisors' formula for the rezoning of commercial and industrially zoned land to residential use within the Route 28 Tax District (see Appendix 17), with such payment to be received prior to the effective date of the rezoning as set by the Board of Supervisors. Failure by the applicant to provide payment to the County prior to the effective date of this rezoning decision will mean that the change in zoning requested by the applicant will not become effective and that this rezoning decision will be void in accordance with Virginia Code Section 15.2-4608 (C).

Waivers and Modifications Requested:

- Modification of the loading space requirement for multifamily residential uses to one space per multifamily building.
- Modification of the barrier requirement along the Centreville Road frontage and the southern boundary of the property in favor of the 3 to 6 foot-high undulating, landscaped berm shown on Sheet 12 of the CDP/FDP.
- Modification of the transitional screening requirements between PDH-16 and PDC uses within a single development in favor of the landscape treatment shown on the CDP/FDP.
- Modification of the 25-foot transitional screening yard requirement along the southern property line (in areas where fire access lines are required), in favor of the detailed landscape treatment shown on the CDP/FDP.
- Waiver of the privacy yard fencing requirement for front-loaded single-family attached residential uses, in favor of that shown on the CDP/FDP.
- Waiver to permit private streets in excess of 600 linear feet to that shown on the CDP/FDP.
- Waiver of the PFM requirement to permit a wet pond in a residential area.
- Modification of the PFM requirement for a minimum 8-foot width for tree planting strips to permit lesser widths with the use of structural soils.

LOCATION AND CHARACTER

Site Description:

The 77.74-acre application property is located on the north and south sides of Barnsfield Road, between Centreville Road and Sully Road (Route 28), and on the south side of Air and Space Museum Parkway, immediately adjacent to the southeastern side of the Route 28/Air and Space Museum Parkway interchange. The site is currently vacant and has been largely cleared. The Sully Historic Site is located just south of the property, separated by an intervening parcel that is zoned I-5. Part of the site is located within the Sully Historic Overlay District.

Surrounding Area Description:

DIRECTION	USE	ZONING	PLAN
North	Office (Dulles Discovery North; RZ 2005-SU-026/ SE 2005-SU-023); under construction	I-5, WS	Mixed Use
South	St. Veronica Catholic Church and School	I-5, I-3, WS, HD	Mixed Use; Public Parks
East	Warehouse; Single-family residences (Franklin Farm); Franklin Middle School	I-5, PDH-2, WS	Mixed Use; Residential, 2-3 du/ac; Public Facilities, Governmental and Institutional
West	Route 28/Air and Space Museum Parkway interchange	R-1, WS, HD	Public Facilities, Governmental and Institutional

BACKGROUND

On November 27, 1978, RZ 78-C-024 was approved by the Board of Supervisors to permit the rezoning of the southern portion of the property from the R-1 District to the I-5 District, subject to proffers. On July 20, 1981, RZ 81-C-014 was approved by the Board of Supervisors to permit the rezoning of 20.55 acres along the northeastern boundary of the site from the R-1 District to the I-5 District, subject to proffers. At this hearing, the Board also approved the rezoning of two separate but adjoining parcels from the R-1 District to the I-5 District. These cases, RZ 81-C-007 and RZ 81-C-008, were both subject to proffers. (The generalized development plans for these applications indicate no major structures are proposed for the sites, which were proposed for storage only.) On June 28, 1982, RZ 81-C-108 was approved by the Board to rezone the 7.9 acres comprising the northeastern boundary of the property from the R-1 District to the I-5 District. The proffers associated with these approvals are included in Appendix 6.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 7)

In order to permit the active-adult, mixed-use development that is being requested with the rezoning application, a Comprehensive Plan amendment was adopted by the Board of Supervisors on May 1, 2006. The text is as follows:

Plan Area: III
Planning Sector: Dulles Suburban Center; Land Unit D-4
Plan Map: Alternative Uses and Mixed Use
Plan Text:

In the Fairfax County Comprehensive Plan, Area III Volume, 2003 Edition, Dulles Suburban Center, as amended through May 15, 2006, under the heading, "Land Unit D-4, Recommendations, Land Use," beginning on page 80, the Plan states:

LAND UNIT D-4

"CHARACTER

Land Unit D-4 consists of 157 acres on the east side Route 28, across from Washington Dulles International Airport and the interchange for the Air and Space Museum Annex. The main entrance to the Udvar-Hadzy Air and Space Museum is accessed from the interchange on Route 28 which also serves via Air and Space Museum Parkway. This land unit is bounded by Wall Road to the north, Centreville Road to the east, Sully Historic Site to the southwest and some industrial uses to the south. The land unit is currently largely vacant, with the exception a church and related school, scattered industrial uses and self-storage facilities. The new interchange on Route 28 provides direct access to the land unit from this major arterial road.

Because the Sully Historic Site lies to the southwest of Land Unit D-4, this land unit contains a portion of the Sully Historic Overlay District (see map). As regulated by the Zoning Ordinance, the part of the land unit that falls within the overlay district is subject to additional regulations relating to land use and building heights.

RECOMMENDATIONS

Land Use

1. The southern portion of this land unit lies within the Sully Historic Overlay District. Within this overlay district, certain regulations and restrictions apply to protect the Sully landmark and to control development and uses that would have visual and operational impacts on the Sully complex and its environs. These restrictions and regulations include limitations on commercial and industrial uses. Other

regulations apply and are discussed in Land Unit D-5 with the complete provisions listed in Appendix 1, A1-300 of the Zoning Ordinance.

2. As regulated by the Zoning Ordinance provisions for the Sully Historic District, the portion of this land unit located south and east of the extension of Air and Space Museum Parkway is planned for high-quality, campus-style office and high-quality industrial/flex uses up to .35 FAR as its base Plan recommendation. Retail uses and support services may be appropriate only as secondary or ancillary uses to the office and industrial/flex primary uses. These ancillary service uses should not exceed 20 percent of the primary uses and should be designed to serve the employees and residents of Land Unit D-4. These ancillary and retail uses should not constitute a retail shopping center.

As an alternative to this base Plan recommendation, Parcels 34-2((1))1A, 2, 3A, 6, 7, 8, 10A, 27 and 35, which total approximately 89.5 acres, may be appropriate for age-restricted residential use and limited commercial use, provided that consolidation, at a minimum, includes Parcels 34-2((1))1A, 2, 3A, 10A, 27 and 35. If Parcels 34-2((1)) 6, 7 and 8, however, are not part of this assemblage, these parcels are planned at the base plan level of office and industrial/flex use at .35 FAR. The residential portion of the development should encompass approximately 76 acres at a density up to 15 units per acre exclusive of ADU and bonus units. Commercial use consisting of retail, hotel and office use at an intensity up to .25 FAR may be appropriate on approximately 13.5 acres. For any development proposal under this alternative, the following conditions should be met:

- Residential use is limited to housing restricted to those 55 years and older. A mix of unit types should be provided. Between 10 to 12% of the total number of units should be affordable dwelling units. These units may be integrated throughout the development or as an elderly housing component located within a single building provided that the building is integrated within the development through the use of architecture and open space. Consideration may be given to the development of some of the affordable units as work force housing;
- Retail, office, and hotel uses that will serve residents, tourists, and employees in the area should be of high visual quality that complements the Sully Historic District and the new residential development and should be oriented to both Air and Space Museum Parkway and Sully Historic Way. This retail should not be configured in such a way as to constitute a regional or community shopping center, a regional mall or a "big box" retail center;
- Development should occur in a manner that minimizes impacts on existing residential neighborhoods along the east side of Centreville Road. Building heights and building mass should be reduced in this area. Fronts of units should be oriented to Centreville Road and

landscaping and screening should be used to provide an attractive streetscape and enhance the appearance of any development along Centreville Road. No retail sales or service uses should be located within 600 feet of Centreville Road;

- Transportation improvements should include the new entrance road to Sully Plantation and an internal roadway system that provides for the circuitous connection of Air and Space Museum Parkway with Centreville Road as called for in the Transportation section of this Plan;
 - In instances where residential use under this option will be adjacent to areas zoned for industrial use, a minimum 50-foot wide landscaped buffer should be provided unless the property is committed to institutional, park and other more compatible use. In addition, disclosure regarding the proximity of these industrial properties should be provided;
 - Amenities such as a community center, trails, recreation facilities, usable open spaces and other features should be provided to create a pedestrian friendly community with public open spaces such as plazas and parks provided throughout the development;
 - Airport and roadway noise should be attenuated. Disclosure regarding the proximity to the Dulles Airport should be provided as set forth in the Policy Plan;
 - Fences along Centreville Road, if any, shall be for decorative purposes only and should provide for views into the development;
 - Low impact development techniques should be employed where feasible and stormwater management ponds or facilities should be designed to function as amenities through the use of landscaping and other features; and,
 - Parcel 34-2((1))12 is dedicated to, or acquired for, the Fairfax County Park Authority to ensure protection of Sully Historic Site resources and preservation of the original plantation boundary line.
3. The portion of this land unit located north and west of Air and Space Museum Parkway, Parcels 34-2((1))33 and 34 and Parcel 24-4((1))8 are planned for office use up to .50 FAR. Hotel and support retail use may also be considered."

ANALYSIS

Conceptual/Final Development Plan (Copy at front of staff report)

Title of CDP/FDP: Dulles Discovery CDP/FDP
Prepared By: LandDesign, Inc.
Original and Revision Dates: March 5, 2004, as revised through
December 12, 2006

The combined CDP/FDP consists of 14 sheets.

Sheet 1 is a cover sheet, including revision dates, contact information for the project team, a vicinity map, and a sheet index.

Sheet 2 contains general notes; tabulations for both the PDH-16 and PDC portions of the site; parking, loading and bulk plane information; and, a soils map.

Sheet 3 shows the overall landscape plan. A plant list indicating tree type, species, and size at the time of planting has been included.

Sheet 4 shows the proposed layout of the site, described in greater detail below. A legend describing potential signage has also been included.

Sheet 4A is a preliminary stormwater management and best management practices plan depicting possible locations for proposed rain gardens. Five potential locations are shown in the PDC portion of the site; and seven are shown in the PDH portion.

Sheet 4B shows the stormwater management details and both a preliminary stormwater management/best management practices narrative and a preliminary outfall narrative. As shown, stormwater management and best management practices for the site will be met by a wet pond located on the western edge of the project. Additional phosphorous removal requirements will be met by supplementary low impact development (LID) devices, whose possible locations are shown on Sheet 4A of the CDP/FDP.

Sheet 5 illustrates the site's pedestrian and bicycle circulation plan. A legend and general notes have also been included.

Sheet 6 contains architectural elevations for the four-story multifamily buildings, the front- and rear-loaded villas, and the proposed clubhouse.

Sheet 7 contains architectural elevations for the retail building and front and side elevations for the office building.

Sheet 8 depicts various amenities proposed for the site. Photographs of typical streetlight fixtures, bollards, a bench, a trash receptacle, a gazebo, a pergola and a picnic table are shown.

Sheet 9 contains an enlarged depiction of the community open space located in the center of the site, east of Beale Drive, which is the north-south collector road running

through the project. At its center, a focal feature—such as a fountain, birdbath, sundial, sculpture or specimen tree—is shown encircled by shade trellises and special paving, noted as being concrete pavers or tinted and scored concrete. The larger open area is a grassy lawn, embellished with evergreen and ornamental trees and shrubs. Perennial and/or seasonal plantings are shown in various locations to provide color. Sidewalks and trails provide pedestrian access throughout the open space.

Sheet 10 contains an enlarged depiction of an almost identical community open space planned for the southwestern corner of the site, south of Turley Hall Drive, which is the east-west collector road. Large-scale depictions of the landscaped areas of the single-family and multifamily residences are also provided.

Sheet 11 is an enlargement of the stormwater pond and the open space and recreation areas surrounding it. The western side of the pond is shown as a mass of mixed deciduous and evergreen trees. Along the northwestern edge, a lawn containing benches shaded by evergreen trees is proposed. Aquatic plantings and a floating fountain are shown off the pond's shore. A 120 x 80 foot "croquet and event lawn" is shown along the northern boundary of the pond. Abutting the eastern side of the pond is the proposed clubhouse's outdoor recreation area. A tennis court and swimming pool are depicted, as are a pool deck, a waterside plaza, and various shaded seating areas. A small park, comprised of a focal feature surrounded by open lawn, is located on the southeastern edge of the pond. Proposed for this area of the pond is another floating fountain, visible from this location and an overlook further to the south. Another seating area is shown at the southernmost tip of the pond, accessible from a nearby trail.

Sheets 12 and 13 show cross-sections of the typical landscaping proposed for various transitional yards and buffer areas. Large evergreen and shade trees are depicted, as are six-foot high, undulating berms.

Sheet 14 contains enlarged illustrations depicting the transitional screening between the proposed hotel and the adjacent multifamily building, with both a cul-de-sac and with interparcel access provided to the parcel at Tax Map 34-2 ((1)) 8.

Special Exception Plat (Copy at front of staff report)

Title of SE Plat:	Dulles Discovery Special Exception Plat
Prepared By:	LandDesign, Inc.
Original and Revision Dates:	March 14, 2004, as revised through October 3, 2006

The Special Exception Plat consists of 7 sheets.

Sheet 1 is a cover sheet, including revision dates, contact information for the project team, a vicinity map, and a sheet index.

Sheet 2 contains general notes; tabulations for the special exception portion of the site; parking, loading and bulk plane information; and a soils map.

Sheet 3 shows the areas of the site proposed for the special exception which covers nine multifamily buildings located in the central part of the PDH portion of the site.

Sheet 4 shows the results of the second floor sight line study. An aerial photograph and two cross-section illustrations demonstrating that the project would not be visible from the Historic Sully Site are included.

Sheet 5 is an existing vegetation map. Most of the site contains abandoned industrial yards with little to no vegetation; however, large portions of the site contain grasses, scrub and sparse tree cover.

Sheet 6 is a plan depicting potential rain garden locations.

Sheet 7 shows the stormwater management details and both a preliminary stormwater management/best management practices narrative and a preliminary outfall narrative. As shown, stormwater management and best management practices for the site will be met by a wet pond located on the western edge of the project. Additional phosphorous removal requirements will be met by supplementary low impact development (LID) devices, whose possible locations are shown on Sheet 6.

Overview

The site, which is generally divided into northern and southern sections according to the alignment of Historic Sully Way, is proposed to be developed with a mix of uses. The northern section is the PDC portion of the development, which is proposed for neighborhood-level retail and office uses. A hotel and an eating establishment are also proposed for this area (these uses are actually located east of Historic Sully Way, but north of an unnamed cul-de-sac that maintains the separation between the northern and southern sections of the site.) The remainder of the site, south of Historic Sully Way (and the unnamed cul-de-sac) is the PDH-16 portion of the site, which is proposed for both multifamily and single-family attached age-restricted dwellings.

The following section provides a detailed description of the proposal, in terms of access, design, architecture, open space and landscaping, among other aspects of the development.

Roads & Access

The development plan proposes two access points to the site. As depicted on the CDP/FDP, one access point is afforded along Centreville Road, which frames the eastern boundary of the site. This entrance, leading to the residential portion of the site, is at Centreville Road's intersection with the proposed Turley Hall Drive, opposite the existing Lee Corner Road (Route 645). The second entrance to the site is located at the proposed Historic Sully Way's intersection with Air and Space Museum Parkway, which frames the northern boundary of the property. This entrance takes users to the predominantly retail and office portion of the development; to the residential portion of the development, via Beale Drive; or, further south, to the Historic Sully Site, located off site. The portions of Barnsfield Road presently bisecting the site

are proposed to be vacated and/or abandoned and well largely be incorporated into the site's open space.

Uses

As depicted on the CDP/FDP, the development proposes a mix of office, commercial and residential uses. The maximum intensity proposed is 0.25 FAR for the PDC portion of the site, and a residential density of 15.6 dwelling units per acre for the PDH-16 portion of the site. As shown in the table on page one of this report, 147,450 square feet of gross floor area are proposed for the PDC portion of the site, of which 40,000 square feet are for office, 16,000 square feet are for retail, and 91,450 square feet are for hotel uses. A maximum of 1001 dwelling units are proposed for the PDH-16 portion of the site; of these units, 752 are proposed to be multifamily; 129 single-family attached; and 120 independent living units, all of which will be either ADU or WFH units.

Office Uses

Office uses would be located in the PDC portion of the development, north of the proposed Historic Sully Way, in a stand-alone building located adjacent to the Air and Space Museum Parkway/Sully Road interchange. This two-story building would provide 40,000 square feet of office space and stand 35 feet in height. (This building is the only building in the PDC portion of the site that is located within the Sully Historic Overlay District.) Surface parking for this use is shown immediately adjacent to the building.

Retail and Related Uses

Retail (and other related non-residential uses) are proposed in two buildings adjacent to the Air and Space Museum Parkway. As shown on Sheet 4 of the CDP/FDP, both retail buildings are proposed to be two stories/35 feet in height. The building east of Historic Sully Way is designated as a "restaurant" on the plan. According to the applicant, what appears to be the second story of the other retail building, located west of Historic Sully Way, will not in fact be additional square footage; it is a façade only and is being proposed to maintain a consistent height and compatibility among the adjacent structures.

Hotel

Proposed for the site is one hotel, which would be located east of Historic Sully Way, in the northeastern corner of the site, adjacent to the proposed eating establishment. The hotel would provide approximately 110 rooms in a 91,450 square-foot, six-story building. Being outside of the Historic Sully Overlay District, the structure is proposed to be 75 feet in height.

Residential Uses

All residential units will be age restricted, with at least one resident age 55 years or older, and no permanent resident less than 20 years of age. The only exception to this restriction will be for the 120 independent living rental units, which will require that at least one resident be 62 years of age or older. As stated in the proffers and as shown on the CDP/FDP tabulations, the maximum number of dwelling units may not exceed 1001 units, inclusive of ADUs. As previously stated, 129 units would be single-family attached units, or "villas;" 752 units would be multifamily, market rate units; and 120 units would be senior independent living units. The single-family attached residential units would be predominantly located in the southwestern corner of the site, south of Turley Hall Drive. A cluster of 21 additional units would be situated on the north side of Turley Hall Drive abutting these units. The remaining single-family attached units would be located along the eastern boundary of the site, abutting Centreville Road, north of Turley Hall Drive. Each of these villas is proposed to be 35 feet in height or less. The multifamily units would be located in eight buildings in the center of the site, east of Beale Drive; and in six buildings located on both the north and south sides of Turley Hall Drive, in the southeastern quadrant of the site. All of these buildings are proposed to be four-story, mid-rise structures not exceeding 60 feet in height, contingent upon approval of the special exception application, SE 2003-SU-023, to allow such an increase in building height within the Sully Historic District. If the Board does not approve the special exception application, the structures (or portions of them) located within the Historic Overlay District (i.e. the nine buildings south of Historic Sully Way and south of Turley Hall Drive affected by the SHOD) would be limited to 35 feet in height. Parking for all of the multifamily buildings is proposed to be structured and will be located beneath the residential units. Access to the buildings located in the center of the site would be provided at a northern entrance from an unnamed cul-de-sac (shown off Historic Sully Way on the CDP/FDP), Beale Drive on the west, and another unnamed road to the south (formerly a segment of Barnsfield Road) off Turley Hall Drive. Access to the buildings in the southeastern quadrant of the site would be provided from three entrances on Turley Hall Drive, an entrance on the aforementioned former segment of Barnsfield Road, and another entrance to the west, adjacent to the single-family villas.

The only multifamily building abutting Centreville Road will be the independent living facility. It will contain 120 rental units providing complete kitchen facilities, support services, and accessible design features, such as wider doorways and hallways and wheelchair accessible bathrooms. Occupancy for these units will be limited to residents aged 62 years of age or older; or couples where one spouse is 62 years of age or older. All of the 72 required affordable dwelling units for the development will be located in this one apartment building, as will 48 workforce housing units.

The PDH-16 portion of the development also proposes two clubhouses. The major clubhouse, with approximately 25,000 square feet of gross floor area, would be located in the southwest corner of the intersection of Historic Sully Way and Beale Drive. The minor clubhouse, containing 6,000 square feet of gross floor area, would

be north of Turley Hall Drive and west of the multifamily structures. These facilities would be available for use by residential unit owners only. For the renters of the independent living facility, a 1,000 square-foot area designated for exercise, reading, computer use, billiards and/or similar uses will be provided within the facility.

Parking & Garages

The CDP/FDP shows a requirement for 1,540 parking spaces for the PDH-16 portion of the site and 539 spaces for the PDC portion of the site. A total of 1,839 and 543 parking spaces, respectively have been provided.

Parking for the office and retail uses north of Historic Sully Way has been provided in surface parking lots located immediately behind and/or adjacent to the buildings. Parking for the hotel and retail uses east of Historic Sully Way has been provided in surface parking lots immediately behind the buildings they would serve.

As described in the preceding section, parking for the multifamily units will be provided primarily in parking decks located interior to the structures; for the multifamily units north of Turley Hall Drive, limited on-street parking will also be available. In addition to two-car private garages, the single-family villas will also have limited street parking.

Architecture

The proffers state that the architectural design of the buildings will be generally consistent in character and materials with the style and quality of the conceptual elevations depicted in the illustrative perspectives shown on Sheets 6 and 7 of the CDP/FDP, subject to approval by the Architectural Review Board (ARB) for those buildings within the ARB's jurisdiction (due to their location within the Sully Historic Overlay District), and as determined by DPWES.

The multifamily residential buildings shown on Sheet 6 are large, four-story colonial structures, with a horizontal character. To reduce the bulk of these structures, the facades have been articulated with architectural accents such as balconies and dormer windows. Cupolas, in an assorted variety of architectural styles, have also been incorporated into the hip rooflines of these buildings to minimize their bulk and to provide visual interest.

The single-family villas would be two stories and designed in a colonial style to complement the multifamily structures. All of the units south of Turley Hall Drive are proposed to be front-loaded, as are the six westernmost units on the north side of Turley Hall Drive. The remainder of the units have individual vehicular access to the rear. The applicant has proffered to design the villas adjacent to Centerville Road so that the fronts or sides of these units are oriented towards the roadway, with rear-loaded vehicular access. Furthermore, the proffers commit to treat the front and side façades with similar architectural furnishings, and to provide architecturally compatible noise barriers where required.

A typical retail and office building are shown on Sheet 7. The eclectic architecture of the retail building is reminiscent of a 19th-century Main Street, with varying flat and pitched roofs to soften the massing. The architecture of the office building is complementary to the retail, but has hip rooflines. The structures appear to be constructed of brick and siding, although the applicant has not committed to any particular style or materials. The applicant has proffered to architecturally finish all four sides of each of the non-residential structures proposed between Air and Space Museum Parkway and Historic Sully Way with similar materials, detailing, and features so that they present an attractive presentation towards both public roadways.

Finally, the applicant has proffered to utilize design amenities throughout the development, such as light posts, benches, trash receptacles and community mailboxes that are complementary and consistent with the quality of those shown on Sheet 8 of the CDP/FDP.

Recreation & Open Space

The CDP/FDP provides for a minimum of 36% and 19% landscaped open space for the PDH-16 and PDC portions of the development, respectively. Developed open space areas include the community park surrounded by the multifamily buildings east of Beale Drive; the community park surrounded by the single-family villas at the southern terminus of Beale Drive (which contains an existing cemetery); the croquet and event lawn; the clubhouse pool and waterside plaza; a pool/courtyard at the intersection of Turley Hall Drive and the former segment of Barnsfield Road; the various passive recreation areas bordering the pond; landscaped trails adjacent to Historic Sully Way and the other, existing cemetery on the site in the southeastern quadrant of the development; and private yards. A note on the CDP/FDP states that the development may include additional recreational facilities, such as landscaped gardens, shuffleboard courts, and/or bocce ball courts.

The community parks each include a focal feature—such as a fountain, birdbath, sundial, sculpture or specimen tree—encircled by shade trellises and special paving, such as concrete pavers or tinted and scored concrete. The remaining areas are a grassy lawn, embellished with evergreen and ornamental trees and shrubs. Perennial and/or seasonal plantings are proposed to provide color in various locations throughout. Sidewalks and trails provide pedestrian access through the areas.

Along the northwestern edge of the pond is a lawn outfitted with benches and shaded by evergreen trees. Along the northern boundary of the pond, a 120 x 80 foot croquet and event lawn is shown. Abutting the eastern side of the pond is the outdoor recreation area for the major clubhouse. A tennis court and swimming pool are shown, as are a pool deck, a brick paver or scored concrete plaza, and shaded seating areas. A small park, comprised of a focal feature surrounded by open lawn, is located on the southeastern edge of the pond. Proposed for the pond itself are two

floating fountains. At the southernmost tip of the pond, a secluded seating area is shown, only accessible from a nearby trail.

Details for these amenities are provided on Sheets 9-11 of the CDP/FDP. No detail is provided for the pool/courtyard at the intersection of Turley Hall Drive and the former segment of Barnsfield Road. Therefore, a final development plan condition has been included in Appendix 2 requiring that this area be consistent in quality and character to the pool/courtyard depicted on Sheet 11.

Offsite Parcel at Tax Map 34-2 ((1)) 12 (the "Stout Parcel")

Due to the Comprehensive Plan recommendation to protect the Historic Sully Site and preserve the original plantation's boundary line, the applicant has proffered to either acquire or pay all costs, including reasonable attorney's fees for outside counsel (if applicable), necessary to condemn the parcel adjacent to the southwestern boundary of the site, at Tax Map 34-2 ((1))-12 (referred to as the "Stout parcel"). Once condemned, the parcel will be dedicated to the Fairfax County Park Authority. (A more detailed discussion of the applicant's acquisition of this property is contained below in the Park Authority Analysis portion of this report.)

Landscaping

Due to the poor quality of the vegetation on the site, no existing vegetation is proposed for preservation. The applicant has shown an overall landscaping plan that includes a mix of evergreen and deciduous trees along the periphery of the development, in the pedestrian zones adjacent to streets, and in the community parks. Landscaping is also proposed around each of the multifamily and single-family residential buildings. The proffers commit to landscaped buffer areas along Centerville Road, the Sully Road (Route 28) exit ramp, Air and Space Museum Parkway, Historic Sully Way, Beale Drive and Turley Hall Drive, as shown on the CDP/FDP. Six-foot high landscaped berms are shown along the northeastern boundary of the property abutting the three parcels located at Tax Map numbers 34-2 ((1)) 6, 7 and 8. The applicant is requesting a modification of the 25-foot transitional screening yard requirement along the southern property line where fire access lanes are required in favor of the detailed landscape treatment shown on the CDP/FDP. The notes on the CDP/FDP state that evergreen trees in transitional screening areas will be planted in a mix of heights varying between 6, 8 and 10 feet, in order to create a staggered canopy.

Streetscape

As depicted on Sheets 3 and 12 of the CDP/FDP, shade and evergreen trees are shown along the entire length of the property's Centerville Road frontage. Large canopy trees are depicted along the streets as well as within the parking lots of the

non-residential portion of the site. The proffers state that the streetscape design will be unified throughout the development so that lighting fixtures, benches, trash receptacles and similar streetscape features will be consistent with one another.

Signage

Sheet 4 of the CDP/FDP shows possible monument sign locations at the entrance to the development at the intersection of Air and Space Museum Parkway and Historic Sully Way; and at the intersection of Historic Sully Way and Beale Drive. The proffers state that no temporary signs that are prohibited by Article 12 of the Zoning Ordinance will be placed on or off-site to assist in the sale of homes on the property. A final development plan condition has been included requiring that all signage match the buildings in terms of architectural style, color and materials and be erected in legally conforming locations, according to Article 12, irrespective of that shown on the CDP/FDP. Directional signage is proffered to be consistent throughout the development in both materials and design.

Pedestrian Connections

Sheet 5 of the CPD/FDP shows a pedestrian network of sidewalks along all street frontages. Connections have been provided among uses between the PDC and PDH-16 portions of the development, as well as off-site within the Historic Sully Way right-of-way, leading to the Sully Historic Site, subject to the granting of necessary easements. The applicant has proffered to construct alternative sidewalks to PFM standards, with major trails being eight feet in width, minor trails six feet in width, and sidewalks five feet in width.

Stormwater Management

Stormwater management (SWM), including best management practices (BMPs), is proposed to be accommodated by way of the wet pond located on the western boundary of the site, as depicted on the CDP/FDP, subject to Board approval. In order to create a natural appearance for the pond, the applicant will submit a landscaping plan that will show the restrictive planting easement for the pond and the maximum feasible amount of landscaping that will be allowed in the areas of the pond outside that restrictive planting easement, subject to the approval of the Department of Public Works and Environmental Services (DPWES) and Urban Forest Management (UFM).

If the wet pond does not receive approval, the applicant has proffered to construct a dry pond in accordance with PFM requirements. In the event that the dry pond is required in any residential portion of the property, the applicant has further proffered to provide access to the stormwater facility for maintenance by Fairfax County; and to convey the stormwater management facility to the relevant homeowners' association.

Finally, the applicant has proffered to install at least four water quality LID devices that are not required, such as Filterrras, rain gardens, porous pavers or infiltration trenches. The potential locations of these devices are shown on Sheet 4A of the CDP/FDP.

Comprehensive Plan Analysis (Appendix 7)

The applicant has proposed to develop the site under the Comprehensive Plan ("the Plan") option that allows for development with age-restricted residential use and limited commercial use, provided that several conditions are met. These conditions, and the extent to which they have been met by the application, are discussed below:

The Plan provides for an alternative to the base Plan with full consolidation of the parcels located at Tax Map 34-2((1)) 1A, 2, 3A, 6 - 8, 10A, 27 and 35. Under full consolidation, the alternative provides for development with age-restricted residential use and limited commercial use on approximately 89.5 acres. The residential portion of the development should encompass approximately 76 acres and be developed at a density of 15 du/ac, exclusive of ADU and bonus units. The commercial portion of the development should consist of retail, hotel and office at an intensity of 0.25 FAR, on up to 13.5 acres. The Plan also provides for a minimum consolidation of Parcels 34-2((1)) 1A, 2, 3A, 10A, 27 and 35, which is approximately 77 acres. The residential component is to be limited to 55 years and older; and between 10%-12% of the total number of units should be affordable dwelling units (ADUs). The application is in general conformance with these consolidation, use and intensity guidelines offered by the Plan. Proffers 5 and 6 address the age-restriction criteria, as well as the affordable units.

The Plan addresses the need to screen and buffer existing residential neighborhoods along Centreville Road from the proposed development, as well as to screen and buffer the proposed development from existing industrial properties. The development depicts the area along Centreville Road with a low, undulating, landscaped berm. This area will contain a variety of evergreen and deciduous trees to be planted on the berm, which will not exceed 6-feet in height along the roadway. The single-family villas in this area will be oriented with the front of the units towards Centreville Road, as noted in the Plan.

As required by the Plan (due to the three contiguous parcel's I-5 zoning classification) the CDP/FDP depicts a 50-foot vegetated buffer in the area along the development's northeastern boundary. This buffer will also include an undulating berm, which will be planted as part of the buffer treatment.

While not explicitly noted in the Plan text, buffering is also provided to create adequate separation from residential and commercial uses proposed with this development. As noted, the northern portion of the development will include hotel, office, restaurant and retail uses. It is envisioned that these uses will serve the proposed development and

tourists related to the Air and Space Museum, as well as provide a location for employment. The majority of the residential will be separated from the commercial uses by the proposed Historic Sully Way. Plant materials are provided on both sides of the roadway, with the use of berms, shade trees, ornamental trees, small and large conifers and shrubs and ornamental grasses providing a mixed canopy on both sides of the roadway in a manner which should adequately screen the residential uses from the commercial portions of the proposed development.

The Plan text calls for the acquisition for, or dedication to, the Fairfax County Park Authority of the Stout Parcel (Tax Map 34-2 ((1)) 12), located adjacent to the Sully Historic Site. According to the applicants, attempts to secure this property at reasonable market value have failed. While the proffers note the continuing possibility that the applicants will acquire this parcel, this has not happened to date. The continued or future use of this parcel for industrial uses would be entirely incompatible with the surrounding uses. Much of the parcel is compromised by multiple easements, making it difficult to develop under any circumstances. In order to ensure that the parcel is not developed for the industrial uses for which it is currently zoned, the proffers provide that if the applicant is unable to acquire the property, the applicant will request that the Fairfax County Park Authority initiate condemnation proceedings. As noted in the proffers, the applicants have agreed to assume all costs incurred as a result of those proceedings. This will ensure that the property becomes part of the Park Authority's landholdings for the Sully Historic Site, and will not be developed for uses which are incompatible with the proposed residential uses or with the Sully Historic Site. The applicant has also proffered to construct a new entrance road to the Sully Historic Site, per the Comprehensive Plan.

In conformance with the Plan, amenities such as two clubhouses, two swimming pools, trails, parks, open spaces and plazas have been provided throughout the development. The applicant has also proffered to construct at least four low-impact development devices (LID), such as rain gardens, porous pavers or infiltration trenches, the locations of which are shown on Sheet 4A of the CDP/FDP. No fences have been proposed along Centreville Road. Finally, the applicant has proffered to attenuate airport and roadway noise to acceptable levels through the use of building materials, and to disclose the proximity of Dulles International Airport to all potential residents.

The applicant's proposal to pursue the age-restricted development noted in the Plan option is generally consistent with the guidance noted in the Plan. The applicants have proposed commercial uses, including hotel, office, restaurant and retail, not to exceed a maximum FAR of 0.25, as required by the Plan. Retail, office and hotel uses are to be provided in the northern portion of the site, as noted in the Plan, in a manner that will serve residents, employees and tourists in the area and also to be sensitive to the proximity of Historic Sully located south of the development. Additionally, these commercial uses are massed away from Centreville Road to reduce any impacts to the existing residential development. Transition and buffering has been provided along Centreville Road to further reduce the impacts of the proposed development.

Transportation improvements have been provided in a manner consistent with Plan recommendations. (A further discussion of this element of the Plan guidance may be found in the report from the Fairfax County Department of Transportation contained in Appendix 9.) Landscaped buffers are provided where residential and industrial uses share a common boundary. A variety of amenities are noted to serve the proposed community, including several pools, trails, a community center, tennis courts, meeting rooms, bocce courts, and fitness room, as well as a number of open space areas with benches, picnic areas, and trash receptacles. As required by the Plan, the applicants have made commitments to mitigate noise, as noted in the proffers, and to disclose proximity to Dulles Airport. The applicants have also made some commitment to utilize Low Impact Development (LID) techniques to improve water quality.

The Plan text provides for consolidation of the parcels at Tax Map 34-2 ((1)) 6, 7 and 8 as the preferred option for development of these parcels, since they are zoned for industrial uses and, as such, pose a compatibility issue. Since these parcels have not been consolidated, the application should clearly demonstrate an appropriate transition between this development and these parcels. In addition to showing the landscaped buffer area, a cross-section that shows what the residential view will be to the three parcels would also be desirable. The applicant has provided cross-sections on Sheets 12 and 13 of the most recent CDP/FDP illustrating the transition between the proposed development and these parcels. The illustrations depict a 50-foot landscaped area with six-foot high maximum berms, which staff considers appropriate.

While the development plans noted potential interparcel access to Parcels 6 and 7, a commitment is not fully reflected in the proffers, which only stated that there would be interparcel access to Parcels 6 and 7. Currently Parcel 8 has access to Barnesfield Road. Although Parcels 7 and 8 are presently under the same ownership, there is no guarantee that this will remain the case. If severed, it could force another access point onto Centreville Road. The applicant has addressed this issue in the proffers by committing to interparcel access to Parcels 7 and 8. If Parcel 8 is ever severed, direct access will not be an issue as a connection could be provided from the remaining portion of Barnesfield Road.

As previously noted, a large portion of the proposed development falls within the Sully Historic Overlay District. As such, these portions of the proposed development are subject to the recommendation of the Architectural Review Board (ARB). Additionally, a portion of the site contains the now razed Turley Hall, a historic house. The applicants have agreed to document this significant heritage resource, and have completed a Phase I archeological study of the property. As noted in the proffers, they have also committed to provide a historical marker near the location of the former home and to preserve the two cemeteries located on the property.

The development plan depicts a system of trails connecting internal portions of the site, as well as providing access to Centreville Road and to the Historic Sully Site. The proposed trail system will also connect residential elements of the development with the proposed commercial uses as well as the Air and Space Museum Parkway.

Residential Development Criteria (Appendix 18)

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. (For the complete Residential Development Criteria text, see Appendix 18.) The plan being proposed with the application must meet these criteria.

Site Design (Development Criterion #1)

This Criterion requires that development proposals address consolidation goals in the Plan, further the integration of adjacent parcels, and not preclude adjacent parcels from developing in accordance with the Plan. The applicant has achieved the minimum consolidation of Parcels 34-2((1)) 1A, 2, 3A, 10A, 27 and 35 and, consequently, the minimum of 76 acres, as required by the Plan. Furthermore, the applicant is proposing development at an intensity of 0.25 FAR for the PDC portion of the development and at 15.6 dwelling units per acre, which is consistent with Plan recommendations. Interparcel connection easements have been provided to two of the abutting properties to the northeast, at Tax Map Parcel 34-2 ((1)) 6 and 7. An interparcel connection is shown to Saint Veronica Catholic Church, to the south; and, subject to the granting of all necessary easements, the applicant has proffered to provide a trail connection between the proposed on-site trail to the future offsite cul-de-sac located on the Historic Sully Site.

The development should provide for a logical design with appropriate relationships within the development. Access should be provided to transit facilities where available, and utilities should be identified to the extent possible.

The proposed layout has open space amenities and single-family attached villas that are situated in the southwestern corner of the site, adjacent to what will be Park Authority parkland. Most of the villas are oriented around a large, centrally located community park that has been designed to take into consideration the historic cemetery located at the intersection of Beale Drive and Turley Hall Drive. The remaining villas, situated along Centreville Road, will be oriented to the roadway, and will have facades similar in quality and character to one another, as depicted on Sheet 6 of the CDP/FDP. Another community park, proposed east of Beale Drive, has been centrally located to serve as a focal point for the multifamily community situated north of Turley Hall Drive. All of the residential units will have access to outdoor recreational facilities, as shown on Sheets 9-11; and the applicant has proffered that these facilities, at a minimum, will include a major and a minor clubhouse, two swimming pools, a bocce court, fitness center, croquet and event lawn, and a waterside plaza. An interconnected trail network to link the neighborhoods of the community has also been proffered. The stormwater management pond has been located adjacent to the

Route 28/Air and Space Parkway interchange to provide a buffer from this roadway, and a 50-foot wide open space buffer has been provided along the northeastern boundary of the property, adjacent to the industrially-zoned properties, in accordance with the Plan language. Transitions between uses have been provided, including planter boxes along the multifamily buildings to stagger the height of the proposed landscaping and to increase its visual effectiveness. (Although staff would have preferred to see a better transition between the hotel and the adjacent multifamily building, a development condition has been included requiring the hotel to utilize the same planter boxes proposed for the multifamily buildings.) In addition, a small-scale retail center, community office building, hotel and eating establishment are located within easy walking distance for community residents and employees of the Dulles Discovery North office campus on the adjoining property to the north. Each of the buildings has access to adequate parking, with the retail centered on the main entrance to the site, at Air and Space Museum Parkway and Historic Sully Way.

Open space should be useable, accessible, and integrated with the development, and appropriate landscaping should be provided.

There is a requirement for 35% landscaped open space in the PDH-16 District and for 15% in the PDC District; the applicant has provided 36% and 19%, respectively. This landscaped open space is supplied by a mixture of private and public spaces. The private spaces include the common yards within the single-family villas; the public spaces include the two community parks, the waterside plaza, and the passive recreation areas encircling the pond.

Neighborhood Context (Development Criterion #2)

While developments are not expected to be identical to their neighbors, this criterion states that they should fit into the fabric of the area, especially at the interface between two uses. This application directly abuts single-family detached development to the east, across Centreville Road. The proposed rezoning to allow mixed-use, including residential, would be more compatible with the adjacent residential uses than the currently zoned industrial use. Per the Comprehensive Plan, the residential buildings situated along Centreville Road will be oriented towards the roadway; and as noted on the CDP/FDP, would have building setbacks along Centreville Road that vary between 50 and 75 feet, with 25 foot-wide transitional screening buffers to provide an attractive streetscape. As previously stated, a 50-foot wide open space buffer would be provided along the northeastern boundary of the property, adjacent to the industrial-zoned land abutting it. To protect the Historic Sully Site and to preserve the original plantation's boundary, the applicant has proffered to either acquire or pay all costs necessary to condemn the Stout Parcel (adjacent to the southwestern boundary of the development) and dedicate it to the Park Authority. Along the northern boundary of the property, adjacent to the Air and Space Museum Parkway, non-residential uses have been located to ensure compatibility with the other industrial/office uses to the north. Finally, the architectural elevations included in the CDP/FDP appear to be appropriate for the area.

Environment (Development Criterion #3)

This Criterion requires that development conserve natural environmental features to the extent possible, account for soil conditions, and protect current and future residents from noise and lighting impacts. Development should also minimize off-site impacts from stormwater runoff and adverse water quality impacts. No significant environmental features exist on the property. To meet stormwater management and BMPs for the proposed development, the applicant intends to utilize an on-site wet pond located on the western side of the development adjacent to Sully Road, as depicted on the CDP/FDP, subject to Board approval. If the wet pond does not receive approval, the applicant has proffered to construct a dry pond in accordance with PFM requirements. (In the event that the dry pond is required in a residential portion of the property, the applicant has further proffered to provide access to the stormwater facility for maintenance by Fairfax County and to convey the stormwater management facility to the relevant homeowners' association.) Additionally, the applicant has been encouraged to incorporate Low Impact Development (LID) measures into the proposed development to provide additional water quality benefits. The applicant has proffered to install at least four water quality LID devices that are not required, such as Filterrras, rain gardens, porous pavers or infiltration trenches. (See Appendix 8 for a full environmental analysis.)

The subject property is located immediately east of Washington-Dulles International Airport and is just outside of the Airport Noise Impact Overlay District (ANIOD). The existing 60 dBA Ldn noise contour for ANIOD falls along the western side of the site in an area of existing and proposed office development. As noted in the Policy Plan, new residential development located in close proximity to the noise contours for the airport should be subject to a disclosure requirement from the developer to prospective home buyers. In response, the applicant has provided a proffer to disclose the proximity of all residential units to Washington-Dulles International Airport and the Airport Noise Impact Overlay District and to state that the present noise contours are subject to change.

A portion of the property is located immediately adjacent to Centreville Road and within close proximity to Route 28. Based on noise studies for this development, some of the proposed residential units will be impacted by noise levels exceeding 65 dBA Ldn, but there is no indication that noise levels would exceed 75 dBA Ldn. There are two small areas along the Centreville Road area of the development where noise barriers were recommended by the noise consultant in order to shield outdoor privacy areas. These barriers would be incorporated into those individual units, as the Comprehensive Plan contains explicit language prohibiting the use of noise barriers, such as walls or fences, along Centreville Road and Route 28. To address this issue, the applicant has proffered to provide interior noise mitigation measures through the use of appropriate Sound Transmission Class (STC) building materials for units impacted by noise in the 65-70 dBA Ldn range as well as the 70-75 dBA Ldn range. To achieve maximum exterior noise level of 65 dBA Ldn for the rear yards of the two villas impacted along Centreville Road, the applicant has proffered to construct noise

attenuation aprons extending from the structures, which have been identified on Sheet 4 of the CDP FDP. As an alternative, however, the applicant has proffered to optionally perform a refined acoustical analysis, subject to approval by DPZ and DPWES, to verify or amend the established noise levels and impact areas if it is determined that units may have sufficient shielding from vegetation or other structures to permit a reduction in the mitigation measures prescribed; or to determine minimum STC ratings for exterior walls, windows and doors.

The applicant will be required to demonstrate that all proposed lighting on the site will meet or exceed the standards set forth in the Zoning Ordinance for outdoor lighting at the time of site plan review, with final determination made by Department of Public Works and Environmental Services staff.

Tree Preservation & Tree Cover Requirements (Development Criterion #4)

This criterion states that all developments should take advantage of existing quality tree cover, as preserving existing trees is highly desirable to meet the Public Facilities Manual (PFM) requirements; and that, where feasible, utility crossings should be located so as not to interfere with proposed tree save areas. No portion of the site is proposed for tree save because of the poor quality of the remaining vegetation. The applicant has proffered to generally locate utility lines so as not to interfere with the landscaping concepts shown on the CDP/FDP. The landscaping has been designed to accommodate an existing underground Colonial Pipeline petroleum conduit extending along the southwestern property boundary; a gas easement along the northeastern boundary, and a Fairfax Water easement along Centreville Road, on the eastern boundary of the property. Since these areas of landscaping have the potential to be impacted by such crossings, the applicant has proffered to substantially conform to the landscaping shown; and, if modifications must be made to accommodate utilities, to provide equivalent landscaping in an alternative location.

Transportation (Development Criterion #5) (See Appendix 9)

This criterion requires that development provide safe and adequate access to the surrounding road network, that transit and pedestrian travel be encouraged, and that the interconnection of streets be encouraged, among other things. In conformance with the relevant criteria, the applicant has provided a development plan which accesses public streets and provides pedestrian connections along the external and interior streets. In accordance with the CDP/FDP, the applicant has dedicated and conveyed in fee simple to the Board right-of-way along the Centreville Road frontage of the property consistent with VDOT's four-lane design. The applicant has also proffered to dedicate and convey in fee simple to the Board right-of-way sufficient for construction of the Air and Space Museum Parkway, and has constructed a half-section of a six-lane divided roadway on the property through its intersection with Historic Sully Way, as depicted on the CDP/FDP, beyond that portion of Air and Space Parkway already funded for construction by the Route 28 PPTA. The proffers commit to provide four bus shelters, and to construct a two-lane road beyond the proposed

traffic circle on Historic Sully Way to the property's western property line, which will serve as the entrance to the Sully Historic Site.

The following transportation issues were raised by the Department of Transportation:

Issue: Several TDM commitments were suggested to strengthen Proffer 18.

- A commitment to an on-demand shuttle service from the hotel to the Air & Space Museum and the airport has been provided. Staff believes this service should also be available to guests to commute to local businesses as well as provide shuttle service to the future Dulles Corridor Metro extension.
- Either through the hotel shuttle or by another means, on-demand shuttle service to nearby uses should be made available until, minimally, bus service is provided to the area.
- Carpool spaces for the formation of carpools traveling to offsite locations should be designated either in the retail/office or hotel/restaurant portion of the development. This should consist of a minimum of 10 spaces and be marked with signage.

Resolution: None of these issues were fully addressed in the proffers. However, a development condition has been included to require the provision of a minimum of 10 spaces for carpools, to be marked with signage.

Issue: If a website is developed for residents of the site, the applicant should commit to include information on multi-modal transportation options including links to relevant websites.

Resolution: The applicant has proffered to provide this information.

Issue: The applicant should commit in to construct an off-site trail connection between the terminus of Turley Hall Drive and the Route 28 trail to provide pedestrian access to the Sully Historic Site.

Resolution: As described in Proffer 20, subject to the granting of necessary easements from the Metropolitan Washington Area Airport Authority, the applicant has proffered to construct this trail connection. If, however, the easements are not granted, the applicant will escrow funds for the trail.

Issue: A commitment to coordinate the establishment of an easement for the proposed realignment of the major ped/bike trail detailed on Sheet 5 of the CDP/FDP should be included in Proffer 19.

Resolution: This issue was not addressed by the applicant. However, a development condition has been included requiring the applicant to coordinate the establishment of an easement before abandonment of Barnsfield Road takes place.

Issue: Staff requested a stronger commitment to interparcel easements. Staff had previously indicated that interparcel access to offsite Parcel 7 from the proposed public street was preferred. In addition to committing to this, staff requested that the applicant provide dedication and/or easements to facilitate this future connection. An access easement was also requested for access to offsite Parcels 6 and 8.

Resolution: The applicant has provided a clearer commitment to the easements for Parcels 6 and 7, as requested, in the proffers. However, the CDP/FDP still needs to be revised to delete the terminology regarding 'potential' access to Parcel 7. Because a new owner of Parcel 8, if it was ever severed, would have access to the remaining portion of Barnsfield Road, interparcel access is no longer being requested.

Issue: Because it is preferable to have bikes share the road with cars rather than share a pedestrian pathway, staff requested the applicant to consider establishing an on-street bike lane from the terminus of Turley Hall Drive to the cross street east of Beale Drive, to then connect with the proposed major off-street trail that generally follows the current alignment of Barnsfield Road. Staff also noted that the applicant's trail meanders, rather than providing a straight linear path for bicycling, which is counter-productive to a 'through' biking connection desired between 28 and Centreville Road.

Resolution: This issue was not addressed. Therefore, a development condition has been included to provide this bike lane.

Issue: The proposed mid-block crosswalks on Turley Hall Drive should be deleted and replaced with striped crosswalks at the garage entries (where pedestrians would actually use them) for the multi-family development and on the west leg of Turley Hall Drive at the townhome/multi-family entrance.

Resolution: The proposed mid-block crosswalks on Turley Hall Drive were deleted; however, they were not replaced with striped crosswalks at the requested garage entries. Therefore, development condition has been included requiring these crosswalks at the appropriate locations.

Criterion 6 states that the impacts on public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management) should be offset by residential development. Impacts may be offset through the dedication of land, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. (Specific Public Facilities issues are discussed in detail in Appendices 10-16)

Sanitary Sewer Analysis (Appendix 10)

The property is located in the Cub Run Watershed and would be sewer into the UOSA Treatment Plant. The sewer systems surrounding the application property have sufficient capacity to accommodate the proposal.

Fairfax Water (Appendix 11)

The subject property is located within the Fairfax Water service area. Adequate domestic water service is available from existing 12-inch and 8-inch mains located at the site. The site contains a 24-foot wide Fairfax Water easement. Accordingly, the site plan must be reviewed and approved by Fairfax Water, which may require recordation of an amendment to the easement agreement at the time of site plan. A development condition has been added requiring the applicant fulfill this requirement prior to site plan approval.

Fire and Rescue (Appendix 12)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #415, Chantilly. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

Fairfax County Public Schools (Appendix 13)

Due to the fact that the development will be restricted and will prohibit permanent residents less than 20 years old, there will be no impact to the County's schools.

Environmental and Site Review Division, Stormwater Management, DPWES (Appendix 14)

The applicant proposes to use a wet pond located on the eastern boundary of the site, as depicted on the CDP/FDP, to meet stormwater management and best management practices (BMPs) requirements, subject to Board approval. (In order to create a natural appearance for the pond, the applicant has proffered to submit a landscaping plan at the time of site plan for the planting areas of the pond, subject to Department of Public Works and Environmental Services (DPWES) and Urban Forest Management (UFM) approval.) The applicant has requested a waiver of the PFM requirements to permit the wet pond in a residential development, despite the fact that it is not a regional facility, due to the fact that the pond will also provide an aesthetic amenity in an age-restricted community. DPWES has given preliminary approval for the facility; however, if the wet pond does not receive final Board approval, the applicant has proffered to construct a dry pond in accordance with PFM requirements. In the event that such dry pond is required in a residential portion of the property, the applicant has further proffered to provide access to the stormwater facility for maintenance by Fairfax County, and to convey the facility to the relevant homeowners' association. Additionally, the applicant has proffered to install at least four water quality LID devices that are not required, such as Filterrras, rain gardens, porous pavers or infiltration

trenches. If a dry pond cannot be provided in substantial conformance with the CDP/FDP a PCA and/or FDPA may be necessary which may result in the loss of density.

Fairfax County Park Authority (Appendix 15)

The CDP/FDP shows on-site active recreational amenities, including an outdoor pool and two sport courts, with proffers committing to an internal clubhouse and/or fitness center. To protect the Historic Sully Site, preserve the original plantation's boundary line, and remove the possibility for incompatible land uses, the applicant has proffered to either acquire or pay all costs, including reasonable attorney's fees for outside counsel (if applicable), necessary to condemn the parcel adjacent to the southwestern boundary of the site, at Tax Map 34-2 ((1)) 12. Once condemned, the parcel will be dedicated to the Fairfax County Park Authority for park purposes. However, several outstanding issues remain with respect to recreational facilities.

The Park Authority has encouraged the applicant to provide contributions to offset the cost of replacing the entrance to Sully Historic Site due to the Barnsfield Road interchange improvements, which greatly benefit the applicant's development, while requiring the Park Authority to reorient its site to the newly redesigned entrance. VDOT has provided basic entrance replacements; however, the forced reorientation of the site has burdened the Park Authority and County taxpayers with other site orientation requirements not funded by VDOT. Furthermore, the Park Authority would like to ensure an aesthetically seamless transition between the applicant's property and the Sully Historic Site, and provide the high-quality infrastructure expected from visitors. To offset the costs for the new site entrance, the Park Authority has requested a contribution from the applicant in addition to the \$955 per unit contribution required by the Zoning Ordinance.

Using the Countywide Comprehensive Policy Plan as a guide, the Park Authority typically requests a contribution of \$265 per new resident to offset impacts to park and recreation service levels. In addition, the Park Authority also asks for a contribution of \$0.27 per square foot of commercial space. These requested contributions would result in a total request of \$537,216; however, only \$450,000 is being requested due to the recognition of the applicant's significant costs in the acquisition and dedication of the Stout Parcel.

In response, the applicant has proffered a contribution of \$200 per per non-ADU unit, (which equates to approximately \$185,800.00) independent of other commitments.

Affordable Housing (Development Criterion #7)

Criterion 7 states that ensuring an adequate supply of housing for low- and moderate-income families, those with special accessibility requirements, and those with other special needs, is a goal of the County. Satisfaction of this criterion may be achieved

by the construction of units, contribution of land, or by a contribution to the Housing Trust Fund.

The Zoning Ordinance defines Affordable Dwelling Units as units that are affordable to families making less than 70% of the area median household income (MHI). The Board of Supervisors has had a long-standing policy regarding the provision of affordable housing, to be satisfied via the provision of units under the ADU program, or the contribution of funds to the Housing Trust Fund for those buildings that are exempt from the ADU program.

The Comprehensive Plan states that ADUs should account for 10-12% of the total number of residential units. A total of 1001 units are proposed with the development. The proffers and the notes on the development plan commit to providing 72 ADUs. In addition, 48 workforce housing units have also been proffered. Therefore, this criterion and the site specific Plan text have been satisfied.

Heritage Resources (Development Criterion #8) (Appendix 16)

Criterion 8 requires a development to address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation. The application property contains two cemeteries, which will be protected during construction and ultimately enclosed by metal fencing upon completion of the project. Additionally, a historical marker will be erected to mark the area associated with the former "Turley Hall" plantation house.

As previously noted, a portion of the subject area of the rezoning application property, which coincides with the special exception application property is located within the Sully Historic Overlay District (SHOD). In accordance with the Zoning Ordinance (Historic Overlay Districts, Par.1 of Section 7-204), all rezoning and special exception applications must be referred to the ARB for its review and recommendation. At its October 12, 2006, meeting, the ARB recommended approval of SE 2003-SU-023 for an increase in building height to allow multi-family residential buildings up to 60' in height on the portion of the property within the outermost 500' perimeter of the SHOD. Regarding RZ 2003-SU-035, the ARB recommended approval of the rezoning, with the exception of an area within a 150' radius of the traffic circle at Historic Sully Way and Beale Drive, which was deferred for re-study of the design treatment and layout.

At its November 9, 2006, meeting, the ARB reviewed the conceptual plans dated October 26, 2006, and recommended approval of the concept for the area within the 150' radius of the traffic circle at Historic Sully Way, including:

- the applicant's proposal to move the buildings further away from the rotary;
- deleting the north entry drive from the clubhouse to Historic Sully Way; and
- the modified landscaping at the rotary area and inclusion of a crosswalk on the east side of rotary.

The following are the outstanding issues with respect to heritage resources:

Issue: ARB approval prior to the issuance of sign permits.

The Zoning Ordinance stipulates that ARB approval is required prior to the issuance of sign permits. Sheet 4 of the CDP/FDP dated November 16, 2006, shows potential sign locations for three types of signs; these were not included in the September 26, 2006, plans reviewed by the ARB.

Resolution: A development condition has been included stating that the final locations of the potential signs will be subject to ARB review and approval.

Issue: Phase I Archaeological Survey

The applicant had indicated that a Phase I Archaeological Survey had previously been performed, but it was not known if it included the area adjacent to and immediately surrounding the two cemeteries (to determine if all potential graves had been located).

Resolution: The archeological study that was conducted in 1996 did indeed establish the extent of the cemeteries and included the area adjacent to and immediately surrounding the two cemeteries in order to determine all potential gravesites. Therefore, this issue has been resolved.

Issue: The proffers do not adequately mention that portions of the CDP/FDP located within the Sully Historic Overlay District are subject to review by the Architectural Review Board. In particular, the proffers should acknowledge that within the Sully Historic Overlay District, new construction and development of single-family attached, multi-family residential, affordable dwelling units, and clubhouses and the design details of the construction (i.e. fenestration, materials, textures, color, architectural features, finishes, lighting, building elements and elevation) and signs, common area features, landscaping and fencing are subject to review and approval by the ARB in accordance with the provision of Par. 2 of Sect. 7-200 of the Fairfax County Zoning Ordinance (Historic Overlay Districts).

Resolution: Although the proffers do not specifically acknowledge the scope of the Architectural Review Board's authority in reviewing and approving the final plans, both the proposed proffers and plan notes on the elevations (Sheet 6 and 7) note this authority and reference Section 7-200 of the Zoning Ordinance. This issue is resolved.

Route 28 Tax District Lump Sum Payment (Appendix 17)

The applicant must provide for payment of taxes that will be lost to the Route 28 Transportation Improvement Tax District due to the rezoning of the portion of the property destined for residential use (the PDH-16 portion of the property). According to the Department of Tax Administration, the one-time payment was calculated at

\$503,278.32 on September 8, 2006. The applicant has proffered to prepay taxes for this portion of the development in accordance with the formula and provisions adopted by the Board of Supervisors within 60 days following the date on which the Applicant's requested rezoning and proffers are enacted. Failure to pay will void this rezoning per Virginia Code Section 15.2-4608(C).

ZONING ORDINANCE PROVISIONS (Appendix 19)

As previously noted, the proposal meets the design guidelines for this site found in the Comprehensive Plan text, including the treatment of buildings and landscaping along Centreville Road, buffers to adjacent industrial-zoned land, various transportation improvements, and dedication (or acquisition) of the Stout Parcel. Furthermore, parks and recreation facilities are provided as open space amenities.

The following are the applicable Zoning Ordinance provisions for the PDH and the PDC Districts, respectively:

PDH District Requirements

Section 6-107- Lot Size Requirements

Section 6-407 requires that all developments in the PDH District:

- Have a minimum district size of 2 acres; and
- Have a privacy yard a minimum of 200 square feet for each single-family attached unit.

The application property consists of 77.74 acres. The single-family attached units propose privacy yards with a minimum of 200 square feet.

Section 6-108 – Bulk Regulations

The bulk regulations require that in the PDH District:

- The building heights and yard requirements be controlled by the provisions of Article 16.

The building heights and yard requirements, as controlled by Article 16, would require the development to be generally in conformance with the R-16 regulations (discussed below under Design Standards).

Section 6-109 –Maximum Density

The residential density for a PDH-16 subdistrict is:

- 15.6 dwelling units per acre.

The proposed density is 15.6 dwelling units per acre.

Section 6-110 – Open Space

The open space regulations require that in the PDH-16 subdistrict:

- Thirty-five percent of the gross area be landscaped open space; and
- Recreational amenities be provided in accordance with the Planned District regulations (minimum expenditure of \$955 per unit).

The CDP/FDP provides 36% landscaped open space. Proffers and the plan commit to various recreational amenities including a community clubhouse, swimming pool, tennis courts, a croquet lawn, community parks and a network of trails. Proffers commit that, credited against these amenities, any remaining balance of the total amount of \$955 per non-ADU residential unit not spent on the property would be contributed to the Park Authority.

PDC District Requirements

Section 6-207- Lot Size Requirements

Section 6-207 requires that all developments in the PDC District meet at least one of the following criteria:

- yield a minimum of 100,000 square feet of gross floor area; or
- be a logical extension of an existing P District, and yield a minimum of 40,000 square feet of gross floor area; or
- be located within an area designated as a Community Business Center in the Comprehensive Plan or within a Commercial Revitalization District.

The application property contains 147,450 square feet of gross floor area.

Section 6-208 – Bulk Regulations

The bulk regulations require that in the PDC District:

- The building heights and yard requirements be controlled by the provisions of Article 16.
- The maximum floor area ratio be 1.5, which may be increased by the Board up to a maximum of 2.5 when the submitted CDP/FDP contain certain criteria.

The building heights and yard requirements, as controlled by Article 16, would require the development to be generally in conformance with the C-6 regulations (discussed below under Design Standards). The maximum proposed FAR is 0.25.

Section 6-209 – Open Space

The open space regulations require that in the PDC subdistrict:

- 15 percent of the gross area be open space.

The CDP/FDP provides 19% landscaped open space.

Article 16, Sections 16-101 and 16-102 (PDC and PDH)

Sect. 16-101 General Standards

Par. 1 requires conformance with the Comprehensive Plan recommendations. The Comprehensive Plan states that, as an option, the area may be planned for age-restricted residential use and limited commercial use, provided that certain criteria are met (see Appendix 7). The applicant proposes to develop the property with approximately 1001 dwelling units, with a hotel, office and other commercial/retail that will serve residents, tourists, and employees, at an intensity of 0.25 FAR, which is consistent with the Plan's intensity recommendation. As previously discussed, the remaining conditions have been met.

Par. 2 requires that the proposed design achieve the stated purposes of the P-District more than would development under a conventional zoning district. The proposed design of the plan allows for a mix of uses and recreational amenity areas, such as community parks, courtyards and hardscapes, facilitated by a planned development. Parking for the multifamily uses is provided in structured decks, ensuring ample usable open space as required by the P-District.

Par. 3 requires protection and preservation of scenic assets. There is no tree preservation proposed, and no areas were identified as exceptionally outstanding since the site has previously been cleared and is composed primarily of secondary vegetation.

Par. 4 requires a design that prevents injury to the use of existing development and does not deter the development of undeveloped properties. The proposal is intended to provide an appropriate transition between the adjacent single-family residential properties to the east and the higher intensity industrial-zoned properties in the surrounding areas. The acquisition and dedication to the Park Authority of the industrially-zoned Stout parcel, per the Comprehensive Plan, will also create an appropriate transition between the development and the Sully Historic Site to the south; appropriate transitions across Centreville Road have also been provided. Therefore, the proposal meets the standard for compatibility with existing and future development.

Par. 5 requires that adequate transportation and other public facilities are, or will be, available to serve the proposed use. As noted in the transportation analysis, the issues relating to transportation have been resolved. The applicant has dedicated and conveyed to the Board right-of-way along the Centreville Road frontage of the property and right-of-way sufficient for construction of the Air and Space Museum Parkway; and has also constructed a half-section of a six-lane divided roadway on the property through its intersection with Historic Sully Way, beyond that portion of Air and Space Parkway already funded for construction by the Route 28 PPTA. The proffers commit

to provide four bus stops, and to construct a two-lane road beyond the proposed traffic circle on Historic Sully Way to the property's western property line, which will serve as the entrance to the Sully Historic Site.

Par. 6 requires that coordinated linkages among internal facilities and services, as well as connections to major external facilities and services, be provided. The development plan depicts pedestrian sidewalks along the streets. Interparcel access has been provided to St. Veronica Church and School to the south, with easements provided to the parcels located at Tax Map 34-2 ((1)) 6 and 7 abutting the subject property's northeastern boundary.

Sect. 16-102 Design Standards

Par. 1 states that at the peripheral lot lines, the bulk regulations and landscaping and screening for the proposed development should generally conform to the provisions of the most comparable conventional district. In this instance, the most comparable conventional districts are the R-16 District and, due to the proposed hotel, the C-6 District, shown below.

YARD	ZONING DISTRICT REQUIREMENTS	
	R-16	C-6
Front Yard	25° ABP, min. 20' (28 feet)	45° ABP, min. 40' (35 feet for retail; 75 feet for hotel)
Side Yard	25° ABP, min. 10' (28 feet)	none
Rear Yard	25° ABP, min. 25' (28 feet)	20° ABP (13 feet for retail; 27 feet for hotel)

On the submitted CDP/FDP, although peripheral setbacks from adjacent properties along the site's boundaries meet the setback standards, internal front yard setbacks for the two multi-family buildings adjacent to Beale Drive, the westernmost multi-family building abutting Turley Hall Drive, and the easternmost building abutting the unnamed cul-de-sac extending from Historic Sully Way, appear to have front setbacks varying only between approximately 5 and 15 feet. In order to address staff's concerns about adequate transitions between uses, the applicant has provided additional landscaping in these areas, as well as the previously discussed planter boxes along these buildings facades, as shown on Sheets 13 and 14 of the CDP/FDP. All the other proposed buildings appear to exceed the setbacks for the R-16 and C-6 Districts. In staff's evaluation, the design of the streetscape, landscaping and screening provide for an appropriate edge to the type of development envisioned by the Plan. Therefore, this standard has been satisfied.

Par. 2 states that the open space, parking, loading, sign and all other similar regulations shall have application in all planned developments. This application

satisfies all of these applicable Zoning Ordinance provisions. The parking requirement is exceeded, and the landscaped open space requirement has also been met.

Par. 3 states that streets and driveways shall be designed to generally conform to the provisions of the Ordinance. The applicant has proffered that private streets associated with this development will be constructed to public street standards. The proffers state that disclosure will be made to owners in the Association's documents that they will be required to maintain all private streets. The proposed driveways also conform to the provisions of the Ordinance.

Par. 4 states that emphasis should be placed on the provision of recreational amenities and pedestrian access. The development plan includes proposed sidewalks along internal streets. The plan also includes landscaped open space, which is provided in a combination of community parks, plazas, and seating areas. Active recreation is provided for residents with the provision of two clubhouses, two swimming pools, tennis courts, a bocce court, croquet lawn and a commitment to an internal facility, such as a fitness center. The proffers indicate that any recreational funds required by the P-standards that are not used on-site will be contributed to the Park Authority.

Special Exception Requirements

The applicant is requesting approval of a Category 6 special exception to permit an increase in building heights for those multi-family structures which are proposed within the Sully Historic Overlay District. As such the special exception application is subject to the following Zoning Ordinance requirements:

- Sect. 9-006 General Special Exception Standards
- Sect. 9-607 Provisions for Approving an Increase in Building Heights

Section 9-006, General Special Exception Standards

The General Exception Standards require that the proposal be in harmony with the recommendations of the Comprehensive Plan; with the general purpose and intent of the applicable zoning ordinance provisions; that there be a determination that no significant negative impacts to the surrounding properties will result from the proposal; and that adequate vehicular and pedestrian access will be provided. As previously discussed, it is staff's determination that the application is in harmony with both the recommendations of the Comprehensive Plan and with the applicable zoning ordinance provisions. No negative impacts to the neighboring properties, including the Historic Sully site, are anticipated as the result of the requested additional height which is consistent with the remainder of the proposed development which largely surrounds it. Pedestrian and vehicular circulation have also been determined to be adequate, as previously discussed, and will be unaffected by the requested additional height. Therefore, these standards have been satisfied.

Provisions for Approving an Increase in Building Heights (Sect. 9-607)

This provision requires that an increase in height be approved only:

- where it will be harmonious with the policies in the Comprehensive Plan;
- where the resultant height will not be detrimental to the character and development of adjacent lands;
- where the remaining regulations for the zoning district can be satisfied; and
- in the Sully Historic Overlay District, a height increase up to 60 feet may be approved when located within the Historic District and within 500 feet of the Historic Overlay District perimeter boundary and when it can be demonstrated by the applicant that the proposed structures, including a rooftop structures excluded from the maximum height regulations pursuant to Section 2-506 and those portions of the roof excluded from the building height calculations in accordance with the definition, are compatible with and do not have detrimental impact on the Sully property in terms of mass, scale, color and visual impact and when such increase in height is in compliance with Federal Aviation Administration standards. Other factors to be considered when determining the impact of an increase in height may include, but not be limited to, changes to existing topography, presence of existing vegetation and the building lighting and signage. The actual building height as measured from the grade to the top of any roof or rooftop structure shall not exceed 65 feet.

The proposal meets the aforementioned criteria for an increase in building height. The applicant has submitted the results of a crane test demonstrating that the development would not have a visual impact on the Historic Sully Site. The proposal meets the criteria set forth in the Comprehensive Plan, and has received approval from the Architectural Review Board. Therefore, this standard has been satisfied.

Waivers/Modifications

- **Modification of the loading space requirement for multifamily residential uses to one space per multifamily building.** The Zoning Ordinance does not provide loading space calculations for mixed-use projects; however, when the proposed multifamily residential uses are calculated, the Ordinance would require approximately 28 loading spaces. Due to the compact nature of the proposed mixed-use buildings, and, therefore, the proximity of proposed loading spaces to one another, the applicant is requesting a reduction in the number of loading spaces to 14. Staff supports this waiver, with the imposition of a development condition stating that a minimum of one loading space will be provided for each multi-family building to ensure that they are equally distributed throughout the development.
- **Modification of the barrier requirement along the Centreville Road frontage and the southern boundary of the property in favor of the 3 to 6 foot-high undulating, landscaped berm shown on Sheet 12 of the CDP/FDP.** Staff recommends approval of this waiver. In staff's opinion, a barrier along Centreville

Road would be aesthetically undesirable and in conflict with the Plan language against a barrier on Centreville Road. Therefore, rather than the D, E or F barrier required by the Zoning Ordinance, the applicant has proposed a three to six-foot-high undulating, landscaped berm, as shown on Sheet 12 of the CDP/FDP. In staff's opinion, this treatment would provide a much more attractive landscape to passersby on this portion of Centreville Road.

- **Modification of the transitional screening requirements between PDH-16 and PDC uses within a single development in favor of the landscape treatment shown on the CDP/FDP.** Staff believes that a modification of the 35-foot wide planting strip necessitated by the Transitional Screening 2 requirement between the multifamily units and the proposed hotel and other commercial/retail uses abutting Historic Sully Way is justified with the proposed development condition requiring planter boxes along the hotel façade adjacent to the residential uses. The applicant has proposed various evergreen and deciduous trees and shrubs in a planting area at least 25 feet-wide adjacent to the multi-family units, as depicted on Sheet 13 of the CDP/FDP. The imposition of the development condition would approximately double this area and greatly increase its effectiveness. Therefore, staff recommends approval of this waiver subject to the proposed development conditions.
- **Modification of the 25-foot transitional screening yard requirement along the southern property line (in areas where fire access lines are required), in favor of the detailed landscape treatment shown on the CDP/FDP.** Instead of the required 25-foot transitional screening yard required along the southern property line abutting the multifamily buildings, the applicant is proposing a 15-foot wide strip planted with six to eight-foot tall evergreen trees and three-inch caliper deciduous trees with another row of large shade trees located on the north side of the fire lane. Staff believes the visual effect of these plantings will be equivalent to the required transitional screening and therefore, staff would support this waiver.
- **Waiver of the privacy yard fencing requirement for front-loaded single-family attached residential uses, in favor of that shown on the CDP/FDP.** The applicant is proposing a waiver of the fencing requirement for the front-loaded single-family attached residential uses in favor of clusters of trees and shrubs, as shown on Sheet 10 of the CDP/FDP, in order to create a large yard for each building rather than individual yards for each unit. Since larger yards with vegetation for privacy will ultimately be created with this design, staff supports this waiver.
- **Waiver to permit private streets in excess of 600 linear feet to that shown on the CDP/FDP.** Staff believes that this waiver is appropriate due to the fact that the development is planned to be served by internal private streets, which have been designed to accommodate on-street parallel parking. In addition, private streets will be paved to public street standards. Therefore, sufficient circulation has been

provided. According to the proffers, potential owners will be notified of their maintenance responsibilities in the community association documents.

- **Waiver of the PFM requirement to permit a wet pond in a residential area.**
The applicant is proposing a waiver of the PFM requirements in order to permit a wet pond in a residential area. Staff supports the use of a wet pond in this location due to the nature of the development (age-restricted), the location of the proposed pond (isolated from any adjoining residential developments) and the aesthetic benefits both for the proposed development and the adjacent Historic Sully site.
- **Modification of the PFM requirement for a minimum 8-foot width for tree planting strips to permit lesser widths with the use of structural soils.** The applicant is proposing reduced width tree planting strips in the landscaped transition areas between the multifamily residential uses and the hotel and villas, as depicted on Sheet 13 of the CDP/FDP. With the use of structural soils to prevent sidewalk buckling and to help ensure the ability of the proposed tree plantings to thrive, staff supports this modification.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant's proposal is in conformance with the use and intensity recommendations of the Comprehensive Plan as it achieves the necessary consolidation of parcels to justify the age-restricted residential use and limited commercial use on 76 acres at a density up to 15 units per acre (exclusive of ADUs) as well as the provision of both ADUs and workforce housing. The development has provided 120 affordable units (combination of ADU and WFH); minimized impacts to Centreville Road; and a 50-foot vegetated buffer has been located in the area along the development's northeastern boundary due to the three contiguous parcels' I-5 zoning classification. Additionally, the applicant has proffered to acquire (or pay the costs associated with the acquisition) the Stout Parcel and dedicate it to the Fairfax County Park Authority for the protection of the Sully Historic Site. Although the applicant has not proffered to provide the requested additional contribution to the Park Authority to offset impacts to the Sully Historic Site, amenities such as two clubhouses, two swimming pools, trails, parks, open spaces and plazas have been provided throughout the development. The applicant has also proffered to construct at least four low-impact development devices; and no fences have been proposed along Centreville Road. Finally, the applicant has proffered to attenuate airport and roadway noise to acceptable levels through the use of building materials, and to disclose the proximity of Dulles International Airport to all potential residents. In staff's evaluation, the proposal overall meets the conditions found in the Comprehensive Plan.

Staff Recommendations

Staff recommends approval of RZ 2003-SU-035, subject to the execution of proffers consistent with those found in Appendix 1 of this report.

Staff recommends approval of FDP 2003-SU-035, subject to the Board's approval of RZ 2003-SU-035 and subject to the proposed FDP conditions found in Appendix 2 of this report.

Staff recommends approval of SE 2003-SU-023, subject to the Board's approval of RZ 2003-SU-035 and subject to the proposed SE conditions found in Appendix 3 of this report.

Staff recommends approval of the modification of the loading space requirement for multifamily residential uses to one space per multifamily building.

Staff recommends approval of a modification of the barrier requirement along the Centreville Road frontage and the southern boundary of the property in favor of the 3 to 6 foot-high undulating, landscaped berm shown on Sheet 12 of the CDP/FDP.

Staff recommends approval of a modification of the transitional screening requirements between PDH-16 and PDC uses within a single development in favor of the landscape treatment shown on the CDP/FDP.

Staff recommends approval of a modification of the 25-foot transitional screening yard requirement along the southern property line (in areas where fire access lines are required), in favor of the detailed landscape treatment shown on the CDP/FDP.

Staff recommends approval of a modification of the PFM requirement for a minimum 8-foot width for tree planting strips to permit lesser widths with the use of structural soils.

Staff recommends approval of a waiver of the privacy yard fencing requirement for front-loaded single-family attached residential uses, in favor of that shown on the CDP/FDP.

Staff recommends approval of a waiver to permit private streets in excess of 600 linear feet to that shown on the CDP/FDP.

Staff recommends approval of a waiver of the PFM requirement to permit a wet pond in a residential area.

APPENDICES

1. Draft Proffers
2. Development Conditions for FDP 2003-SU-035
3. Development Conditions for SE 2003-SU-023
4. Affidavits
5. Statements of Justification
6. Proffers for Previous Zoning Cases on the Site
7. Plan Citations and Land Use Analysis
8. Environmental Analysis
9. Transportation Analysis
10. Sanitary Sewer Analysis
11. Water Service Analysis
12. Fire and Rescue Analysis
13. Schools Analysis
14. Environmental and Site Review Division, Stormwater Management (DPWES)
15. Park Authority Analysis
16. Heritage Resources Analysis
17. Route 28 Tax District Lump Sum Payment
18. Residential Development Criteria
19. Applicable Zoning Ordinance Provisions Checklist
20. Glossary of Terms

**RZ 2003-SU-035
DULLES DISCOVERY
DRAFT PROFFER STATEMENT**

August 21, 2006
September 15, 2006
September 28, 2006
October 13, 2006
November 16, 2006
December 12, 2006 [Revised]

Pursuant to Section 15.2-2303 (A) of the Code of Virginia, as amended, and subject to the Fairfax County Board of Supervisors' (the "Board") approval of rezoning application RZ 2003-SU-035, as proposed, from the I-3, I-5, WS and HD Districts to the PDH-16, PDC, WS, and HD Districts, Sully East L.C. (the "Applicant") and the property owners, for themselves and their successors and assigns, hereby proffer that development of Tax Map Parcels 34-2-((1))-1A, 2, 3A, 10A, 27, 33 (Part) and 35 plus approximately 1.55 acres of right-of-way to be vacated (collectively known as the "Property"), totaling approximately 77.74 acres, shall be in accordance with the following proffered conditions, which shall replace any and all existing proffered conditions pertaining to the Property:

1. **Substantial Conformity.** The Property shall be developed in substantial conformance with the Conceptual Development Plan and Final Development Plan ("CDP/FDP") consisting of Sheets 1 through 14 prepared by Land Design, Inc., entitled "Dulles Discovery Conceptual Development Plan/Final Development Plan," dated June 15, 2006 and revised through December 12, 2006, and further modified by these proffered conditions.
2. **Final Development Plan Amendments.** Notwithstanding that the CDP/FDP consists of Sheets 1 through 14 and said CDP is the subject of Paragraph 1 above, it shall be understood that (i) the CDP shall consist of the entire plan relative to the general layout, points of access to the existing road network, location and types of units, uses, building heights, peripheral setbacks, the maximum number and type of units, limits of clearing and grading and the location and amount of open space on the Property; and (ii) the Applicant has the option to request Final Development Plan Amendment ("FDPA") approvals from the Planning Commission in accordance with Section 16-402 of the Zoning Ordinance with respect to the remaining elements.
3. **Minor Modifications.** Pursuant to Section 16-403 of the Zoning Ordinance, minor modifications from the approved CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDP/FDP provided such changes are in substantial conformance with the CDP/FDP and proffers, and do not increase the total number of units, change the unit mix, increase building heights, or decrease the minimum amount of open space or peripheral setbacks shown to be provided on the Property.

4. **Maximum Residential Density.** A maximum of 1001 residential units at a maximum density of 15.6 dwelling units per acre ("du/ac") shall be permitted on the PDH-16 portion of the Property, inclusive of Affordable Dwelling Units ("ADUs") and ADU bonus units. The Applicant reserves the right to develop fewer than the maximum number of units referenced in this paragraph without the need for a Proffered Condition Amendment ("PCA") application or CDPA/FDPA.
5. **Active-Adult Units.** All residential units (except the Independent Living Facility units referenced below) are deemed, for the purpose of this Proffer, as "active-adult" units and shall be age-restricted, as defined pursuant to the Federal Housing For Older Persons Act of 1995 (as may be amended) providing, generally, that: (i) at least one resident of each unit shall be 55 years of age or older, and (ii) no permanent resident shall be less than 20 years of age.
6. **Independent Living Facility.** The multi-family building located in the southeast corner of the Property, south of Turley Hall Drive and adjacent to Centreville Road, shall be an "Independent Living Facility" which shall consist of the following:
 - A. 120 rental apartments;
 - B. Occupancy limited to households where at least one member is 62 years of age or older and all members are at least 55 years of age or older;
 - C. All units in this facility shall provide complete kitchen facilities, support services and design features such as wider doorways and hallways, accessible bathrooms and lower light switches;
 - D. All required ADUs for the entire PDH-16 development shall be provided in this building; and
 - E. All units in this building which are not required ADUs shall be rented to persons whose incomes are no greater than the percentage of the Washington Standard Metropolitan Statistical Area Median Household Income, as published by HUD, ("MHI"), set forth in Proffer 7(B) below.
7. **Affordable Dwelling Units/Work-Force Housing Units.**
 - A. **Affordable Dwelling Units ("ADUs").**
 - i. Seventy-Two (72) ADUs shall be provided in accordance with Article 2 Part 8 of the Zoning Ordinance, subject to the following terms:
 - ii. All ADUs shall consist of multi-family units that are located within a single building (the Independent Living Facility identified in Proffer 6 above) and shall not be dispersed across the PDH-16 application property;
 - iii. All required ADUs shall consist of rental apartments;

- iv. All 72 ADUs shall be leased to tenants whose household incomes do not exceed sixty percent (60%) of the MHI; and
- v. Unless otherwise allowed by the ADU Advisory Board, RUPs shall not be issued for more than ninety percent (90%) of the total dwelling units approved for the Property until RUPs have been issued for all of the ADU units.

B. Work-Force Units.

- i. Total Number. A total of forty-eight (48) of the dwelling units within the Independent Living Facility shall be "Work-Force Units," i.e., dwelling units subject to the rental restrictions of these Proffers, but not required pursuant to Part 8 of Article 2 of the Zoning Ordinance. Said Work-Force Units shall be provided to renters whose household income (i) for twenty-four (24) of the units, is up to sixty percent (60%) of the MHI; (ii) for twelve (12) of the units, is up to ninety percent (90%) of the MHI; and (iii) for twelve (12) of the units, is up to one hundred percent (100%) of the MHI.
- ii. Timing of Provision of the Work-Force Units. RUPs shall not be issued for more than ninety percent (90%) of all of the total dwelling units approved for the Property, until RUPs have been issued for all of the Work-Force Units required pursuant to this Proffer.
- iii. Administration. It is intended that the Work-Force Units shall be administered in a fashion similar to ADU Units pursuant to specified provisions of Part 8 of Article 2 of the Zoning Ordinance in effect at the time of the execution of these Proffers. The following specific provisions of the Zoning Ordinance shall apply to administration of the Work-Force Units: Sections 2-805, 2-811(3), 2-812(1)(D), 2-812(6) (only as to recording a covenant committing to a thirty year control period), 2-813, 2-817 and 2-818, including the recordation of the appropriate restrictive covenants in the land records of Fairfax County, except where such provisions directly conflict with these Proffers. When these Proffers conflict with any provisions of the Zoning Ordinance, these Proffers shall control including, but not limited to, the calculation of the rental rates of Work-Force Units.
- iv. Alternative Administration. Notwithstanding Subparagraph (iii) above, the Applicant reserves the right to negotiate with the appropriate County agency, to enter into a separate binding written agreement solely as to the terms and conditions of the administration of the Work-Force Units after the approval of this rezoning. The requisite number and pricing/rents of Work-Force Units provided pursuant to these Proffers shall not be altered in any manner by such an agreement. Such an agreement shall only consider administrative issues on terms mutually acceptable to both the

Applicant and the County and may only occur after the approval of this rezoning and when the revisions have been deemed to be in substantial conformance with these Proffers. The County shall in no manner be obligated to execute such an agreement. If such an agreement is executed by all applicable parties, then the Work-Force Units shall be administered in accordance with such an agreement, and Subparagraph (iii) above may become null and void.

- v. Work-Force Units – Rental Rates. The maximum monthly rental at which each Work-Force Unit may be offered shall be the rental rate for the Washington Standard Metropolitan Statistical Area published by the Virginia Housing Development Authority ("VHDA") for the respective percentage of MHI designated for such unit.

The initial MHI to determine such initial maximum monthly rent shall be determined from the date of the issuance of the first RUP for any Work-Force Unit. The MHI and the maximum monthly rent, as calculated above, may be adjusted once a year, as published by VHDA. A copy of such annual calculation shall be provided to the Fairfax County Department of Housing and Community Development ("HCD").

- vi. Compliance with Federal, State, and Other Local Laws/Severability. If it is found by a court of competent jurisdiction that any portion of these Proffers related to providing Work-Force Units violates any Federal, State or other local law, then the offending portion of these Proffers shall be deemed null and void and no longer in effect. All remaining conditions of these Proffers shall remain in full force and effect.

- 8. Maximum Building Height. Single-family villas shall not exceed 35 feet in height. Multi-family residential buildings within the outermost 500-feet of the Sully Historic Overlay District ("SHOD"), and as shown on the CDP/FDP, shall not exceed 60 feet in height in accordance with the Zoning Ordinance (65 feet "actual height," which shall be measured from the lowest point of grade to the highest point of the structure). Hotel use shall not exceed 75 feet and shall be located outside the SHOD boundary, as defined by the Zoning Ordinance and as shown on the CDP/FDP. All residential units located within the SHOD shall be limited to 35 feet in height unless the Board approves a Special Exception application for the Property, to allow the height increase of multi-family buildings located within the outermost 500 feet of the SHOD boundary. If approved, the height in that area shall be governed by the Special Exception approval.
- 9. Limitation on Non-Residential Uses within the PDH-16 District. Principal and secondary uses which may be established shall be limited to: single-family attached and multi-family residential; independent living facility; unmanned bank teller machines in multi-family buildings; accessory uses, accessory service uses, and home occupations in accordance with Article 10 of the Zoning Ordinance. Clubhouses may include personal service establishments, support service and retail uses, for the residents and their guests

only, such as a coffee shop, sports shop, eating establishment, hairdresser, dry cleaning pickup/delivery, and/or similar uses.

10. **Maximum PDC District FAR and Uses.** Within the approximately 13.54 acres of the Property zoned to the PDC District, up to 147,450 gross square feet at a maximum 0.25 floor area ratio ("FAR") shall be permitted. Permitted uses shall include retail, office, hotel and additional uses as listed on Sheet #2 of the CDP/FDP. No drive-through uses shall be permitted, with the exception of an unmanned bank teller and/or a pharmacy.
11. **Right-of-Way Dedication.** The Applicant shall dedicate all right-of-way ("ROW") referenced below subject to review and approval by the Virginia Department of Transportation ("VDOT") and the Fairfax County Department of Public Works and Environmental Services ("DPWES"). All road ROW dedicated in conjunction with these proffers and/or as depicted on the CDP/FDP shall be conveyed to the Board in fee simple upon demand by Fairfax County (the "County") or at the time of site plan approval for the contiguous development area, whichever occurs first, and shall be subject to the "Density Credit" proffer below regarding reservation of development intensity to the residue of the Property.
12. **Transportation Improvements.** The following ROW dedication and/or road improvements shall be provided by the Applicant, subject to and as approved by VDOT and DPWES. However, upon demonstration by the Applicant that, despite diligent efforts by the Applicant, provision of a respective improvement has been unreasonably delayed by others or by circumstances beyond the control of the Applicant, the Zoning Administrator may agree to a later date for the completion of each such improvement:
 - A. **Historic Sully Way.** Within the right-of-way to be dedicated by the Applicant and conveyed in fee simple to the Board, the Applicant shall construct, or cause to be constructed, a two-lane road beyond the existing traffic circle to the Property's western property line, if not previously built by others, prior to issuance of the first Residential Use Permit ("RUP").
 - B. **Turley Hall Drive and Beale Drive.** In accordance with the CDP/FDP, the Applicant shall dedicate and convey in fee simple to the Board ROW sufficient for, and shall construct on the Property, from Historic Sully Way to Centreville Road, two-lane roads and turn lanes, with parking, as development of the adjacent land area occurs. These roads shall be available for use by the public from Air and Space Museum Parkway to Centreville Road prior to issuance of the 500th RUP.
 - C. **Turn Lanes.** In accordance with those shown on the CDP/FDP, subject to and as approved by VDOT and DPWES, the Applicant shall construct the turn lanes to VDOT standards concurrent with the immediately adjacent roadway improvements.
13. **Traffic Signals.**

- A. Prior to approval of the first site plan accessing the "Air and Space Museum Parkway/Historic Sully Way" intersection, the Applicant shall submit a traffic signal warrant study to VDOT, if said signal has not been provided by others. If warrants have been met, Applicant shall install said signal prior to issuance of the first RUP in the adjoining area, (i) if not funded by the property owner of Tax Map Parcels 34-2 ((1)) 33 and 34, or (ii) if funded by said owner but not installed, in which event Applicant shall be entitled to receive all such funds so escrowed with DPWES for said signal. However, upon demonstration by the Applicant that, despite diligent efforts by the Applicant, provision of said signal has been unreasonably delayed by others or by circumstances beyond the Applicant's control, the Zoning Administrator may agree to a later date for the completion of said improvement.
 - B. Prior to approval of the first site plan that accesses the Turley Hall Drive/Centreville Road intersection, a traffic signal warrant study shall be submitted to VDOT for that intersection. If the warrants have been met and said signal has not already been provided by others, the Applicant shall design and construct a traffic signal at the Centreville/Turley Hall intersection prior to issuance of the first RUP in said site plan. If said signal has been installed by others, the Applicant shall modify the existing signal in accordance with VDOT standards to convert the then existing signal to a full, four-legged intersection signal.
 - C. Any signal installed or modified by the Applicant shall include pedestrian countdown features.
14. **Private Streets.** All private streets will be constructed with materials and depth of pavement consistent with public street standards in accordance with the Fairfax County Public Facilities Manual ("PFM"), as determined by DPWES. The above standard shall not apply to parking bays or parking lots. The Umbrella Owners' Association ("UOA"), Homeowners' Association ("HOA") and Condominium Owners Association ("COA") shall be responsible, respectively, for the maintenance of all private streets and the UOA, HOA and COA documents shall expressly so state. The Applicant, or its representatives, shall disclose to each initial prospective purchaser of a respective residential unit, prior to or at the time of contract, that the HOA/COA is responsible for the maintenance of private streets within the residential development.
15. **Roads in Use.** All public streets shall be constructed in accordance with the PFM and/or VDOT requirements, as determined by DPWES or VDOT. Acceptance of public roads by VDOT into its roadway system shall be diligently pursued by the Applicant, and shall be accomplished prior to final bond release.
16. **Stub Streets.** Emergency access shall be provided as approved by the Fire Marshal for the private stub streets.
17. **Bus Shelters.** The Applicant shall provide four bus shelters for the Application Property, with the specific location and quantity to be determined by FCDOT. Bus shelter

installation shall be limited to the concrete pad, the shelter itself and a trash can. If, by the time of final bond release, FCDOT has not determined the exact quantity and location of said bus shelters, the Applicant shall escrow \$20,000 per shelter whose location has not been determined, to be used for bus shelters within the Property and adjacent streets. If installed on subject Property internal to the proposed development, the bus shelter and trash can shall be maintained by the Applicant and the UOA/HOA/COA documents shall state such maintenance requirement.

18. **Residential Transportation Demand Management ("TDM")**. Transportation Demand Management ("TDM") strategies shall be utilized to attempt to reduce residential vehicle trips during peak periods. Strategies shall include, but not be limited to, the following and be implemented by the Applicant at the time of issuance of the first Residential Use Permit ("RUP").

- A. Owners and tenants shall be advised of this TDM strategy;
- B. TDM coordination duties shall be carried-out by a designated property manager(s) or transportation management coordinator(s) (collectively "TDM Coordinator"). The TDM Coordinator position may be a part of other duties assigned to the individual(s);
- C. TDM-related materials, such as maps, schedules and other transportation information describing available transit options, car/van pooling formation, and alternative work schedules, shall be distributed to building occupants, either through posting in the common-areas of each multi-family building and the community buildings, a newsletter, or use of a website at least once a year;
- D. Broadband, high capacity data/network connections, or equivalent wireless access, provided in all dwellings to facilitate working from home;
- E. A business center containing a fax machine, copier, and at least two computers with internet access shall be provided within the active-adult community for residents' use;
- F. Provision of four bus shelters within the PDH-16 or PDC portion of the Property, pursuant to Proffer 17 above;
- G. Safe and convenient accessibility by pedestrians to the commercial portions of the planned community, including the provision of cross-walks, lighting and signage;
- H. Provision of conveniently-located bicycle storage for residents' use in each multi-family building except for the Independent Living Facility; and
- I. If a community web site is developed, it shall include information on the TDM program and on multi-modal transportation options.

19. **Trails System**. Trails and sidewalks shall be constructed to PFM standards at the time of development of the respective areas, generally as depicted on the "Pedestrian/Bicycle

Circulation Plan" included as Sheet 5 of the CDP/FDP. Trails located along public roadways shall be subject to public access easements, in standard County format, wherever they are located outside of the public ROW or public ownership. Final trail locations shall be subject to the review and approval of DPWES. As depicted on the CDP/FDP, major trails shall be eight feet in width, minor trails shall be six feet in width, and sidewalks shall be five feet in width. Notwithstanding all of the aforesaid, and with the exception of the off-site trail along Historic Sully Way referenced below, the Applicant shall have no obligation to construct off-site sidewalks or trails.

20. **Off-Site Trail Connection along Historic Sully Way.** Subject to the granting of all necessary easements, the Applicant shall construct off-site, to PFM standards, a six (6)-foot wide trail within the "Historic Sully Way" right-of-way. As depicted on Sheet 5 of the CDP/FDP, said trail shall provide a connection between the on-site trail and extend from the western property boundary to the future cul-de-sac located on the Sully Historic Site property. Applicant shall diligently and in good faith pursue the acquisition of said easements, and shall, should it fail to acquire said easements, prior to final bond release, demonstrate in writing to DPWES such efforts and escrow with DPWES the cost of constructing said off-site trail connection. Applicant's cost for said off-site trail connection shall be deducted from the off-site recreation contribution in Proffer #43 below.
21. **Vacations/Abandonments.** Prior to final approval of any site plan, and release of the record plat for recordation, for any development section which includes development on an area of ROW to be abandoned/vacated, the Applicant shall obtain vacation and/or abandonment of the relevant portion of Barnsfield Road identified on the CDP/FDP as areas to be vacated/abandoned. Prior to filing any site plan the Applicant shall initiate and diligently pursue such vacation and/or abandonment by the Board. In the event the Board does not approve the vacation and/or abandonment of these portions of public roadway and failure to obtain such approval precludes development in substantial conformance with the CDP/FDP, the Applicant shall obtain a PCA to the extent necessary to develop that portion of the Property, which may result in a loss of density. The Applicant hereby waives any right to claim or assert a taking or any other Cause of Action that otherwise may have arisen out of a Board decision to deny in whole or in part the ROW vacation and/or abandonment request.
22. **Interparcel Access Easements.** The Applicant shall provide vehicular interparcel access easements separately to Tax Map Parcel 34-2-((1))-6 and to Tax Map Parcel 34-2-((1))-7 in the locations depicted on Sheet 4 of the CDP/FDP. The Applicant shall not be responsible for any design or construction of said interparcel access to Parcel 6 or 7. An interparcel access to Tax Map Parcel 34-2 ((1)) 10B shall be provided, as depicted generally on Sheet 4 of the CDP/FDP, for which directional signage shall be provided. Said access easements shall be disclosed within the respective HOA/COA documents.
23. **Industrial Buffer and Disclosure.** A minimum 50-foot wide area of landscaping and berming, shall be provided on-site where residential units adjoin industrial uses on adjacent Tax Map Parcels 34-2 ((1)) 7 and 8, generally as depicted on Sheets 3 and 12 of the CDP/FDP. Prior to entering into a contract of sale, the initial purchasers of

residential units directly adjacent to said parcels shall be notified in writing by the Applicant that the adjacent property is zoned to permit industrial use. This disclosure shall also be set forth in the respective HOA/COA documents.

24. **Limits of Clearing and Grading.** The Applicant shall conform to the limits of clearing and grading shown on the CDP/FDP, subject to the installation of utilities and/or trails, if necessary, as approved by DPWES. All limits of clearing and grading shall be protected by temporary fencing, a minimum of four feet in height. The temporary fencing shall be installed prior to any work being conducted on the site, and signage identifying "Keep Out - Do Not Disturb" shall be provided on the temporary fence and made clearly visible to construction personnel. Any necessary disturbance beyond that shown on the CDP/FDP shall be coordinated with the Urban Forester and accomplished in the least disruptive manner reasonably possible given engineering, cost, and site design constraints as determined by the Urban Forester. Any area protected by the limits of clearing and grading that must be disturbed due to the installation of trails and/or utilities shall be replanted with a mix of native vegetation to return the area as nearly as reasonably possible to its condition prior to the disturbance, as determined by the Urban Forester.
25. **Open Space.** A minimum of thirty-six (36) percent of the PDH-16 portion of the Property and a minimum of nineteen (19) percent of the PDC portion of the Property shall be retained in open space. At the time of site plan approval for each relevant development area, the Applicant shall convey all open space parcels and all open space areas outside private lot lines to the relevant HOA/COA for ownership and maintenance.
26. **Landscaping.**
 - A. Landscaping shall be generally consistent with the quality, quantity and the locations shown, respectively, on the "Landscape Plans" included as Sheets 3, 9, 10, 11, 12 and 13 of the CDP/FDP. At the time of planting, the minimum caliper for trees shall be as follows: canopy, including street trees, shall be three (3) inches, and ornamental deciduous shall be one and one-half (1 ½) inch. The minimum height for evergreen trees shall be seven (7) feet. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans submitted at the time of the first and all subsequent submissions of site plans for each respective section, for review and approval by the Urban Forester, Department of Public Works and Environmental Services ("DPWES"). Such landscape plans shall provide tree coverage and species diversity consistent with the PFM criteria, as determined by the Urban Forester.
 - B. The streetscape, berms and associated landscaping shown on the CDP/FDP to be provided adjacent to "Historic Sully Way," between Air and Space Museum Parkway and the western property boundary, shall be installed prior to the first RUP or Non-RUP for the first building adjoining Historic Sully Way.
 - C. The landscaping and pedestrian improvements associated with the private streets shown on the CDP/FDP shall be installed at generally the same time as the private street with which they are associated. Such landscaping and pedestrian

improvements shall be maintained by the UOA/HOA/COA as respectively set forth in the UOA/HOA/COA documents.

D. **Structural Soil.** For trees, relied upon for satisfaction of tree cover requirements, which are not planted within an 8-foot wide minimum planting area, or that do not meet the minimum planting area required by the Public Facilities Manual ("PFM"), the Applicant shall provide a minimum of 130 square feet of surface area of structural soil for Category 4 shade trees and 90 square feet of surface area of structural soil for Category 3 shade trees, as such trees are identified in the PFM. The structural soil shall have a minimum width of 8-feet and a minimum depth of 36-inches and such planting areas shall be interconnected to the extent feasible, as determined by Urban Forest Management. Geotextile fabric shall be provided between the structural soil and a layer of organic material located on top of the structural soil. At the time of site plan submission, the Applicant shall provide written documentation, including information about the composition of the structural soil, to Urban Forest Management indicating that a qualified and appropriately licensed "company" provided the structural soil. The Applicant shall provide 72-hour notice to Urban Forest Management and the Sully District Supervisor's Office, prior to installation of the soil, to allow verification of the composition of the structural soil and verification that the structural soil is the correct mix and is installed correctly. The Applicant shall provide written confirmation from a certified arborist and/or landscape architect demonstrating and verifying installation of structural soil.

27. **Buffer Treatments.** Landscaped buffers shall be provided generally as depicted on Sheets 3, 11, 12 and 13 of the CDP/FDP along Centreville Road, Route 28 Ramp, Air and Space Museum Parkway, Historic Sully Way, Beale Drive and Turley Hall Drive and in accordance with Proffer #26 above.

28. **Location of Utilities.** Utility lines shall be generally located so as to not interfere with the landscaping concepts shown on the CDP/FDP. The Applicant reserves the right to make minor modifications to such landscaping to reasonably accommodate utility lines provided such relocated landscaping shall retain a generally equivalent number of plantings and shall continue to reflect the concepts illustrated on the CDP/FDP. For all other areas of the Property, in the event that during the process of site plan review any landscaping shown on the CDP/FDP cannot be installed in order to locate utility lines, as determined by DPWES, then an area of additional landscaping generally consistent with that displaced shall be substituted at an alternate location on the Property, subject to approval by Urban Forest Management.

29. **Recreational Facilities.** The Applicant shall comply with Paragraph 2 of Section 6-110 and with Section 16-404 of the Zoning Ordinance as follows:

A. In the event the total cost of the on-site recreation expenses is less than the required \$955.00 per market rate unit, the Applicant shall provide a cash contribution to the Park Authority for the remainder of the recreational facility contribution ("Park Contribution"), payable at building permit issuance for the

500th residential unit, to be used solely for development of park facilities on the "Sully Historic Site."

- B. Construct, in the eastern portion of the Property, a community clubhouse on the north side of Turley Hall Drive with pool and meeting/activity rooms, as generally depicted on Sheet 4 of the CDP/FDP for use by individual residential unit owners (and their guests) within the "active adult" community.
 - C. Construct, in the western portion of the Property, a major community clubhouse and recreation facility to include an outdoor swimming pool, tennis courts, bocci court, fitness room, game rooms, meeting rooms, business center, waterside plaza, croquet and event lawn, overlook and/or similar facilities, as generally depicted on Sheet 11 of the CDP/FDP for use by individual residential unit owners (and their guests) within the "active adult" community.
 - D. Within the Independent Living Facility, construct areas totaling a minimum of one thousand square feet designated for exercise, reading, computer use, billiard, other games and/or similar uses for the use of the residents of this facility.
 - E. Provide formal community parks and informal pocket parks, generally as shown on Sheets 3, 9 and 10 of the CDP/FDP.
 - F. Construct an interconnected trail network on the Property, for use by all residents of this community and their guests, linking the neighborhoods which comprise the development, generally as shown on Sheet 5 of the CDP/FDP.
30. **County Architectural Review Board ("ARB")**. In accordance with Section 7-204 of the Zoning Ordinance, only for those portions of the Property located within the SHOD, the ARB shall review and make a recommendation on site plans, subdivision plats and grading plans. ARB approval shall be required prior to issuance of building permits and sign permits located within the SHOD boundary. Notice of the requirement for ARB approval shall be provided in accordance with Proffer 47(E) below.
31. **Design Amenities**. Development amenities shall be consistent with the design quality shown on Sheets 8, 9, 10 and 11 of the CDP/FDP, and shall consist of series of streetscapes, augmented by active recreation facilities, pocket parks, courtyards and other formal and informal open space areas, to create a built environment that is visually interesting and pedestrian-friendly. The various site details, such as entry signs, light posts, benches, community mailboxes and similar features shall be of a quality consistent with the drawings included on Sheet 8 of the CDP/FDP.
32. **Prohibition of Gates**. These shall not be gated communities.
33. **Streetscape Concepts**. Streetscape design shall be unified conceptually based upon a hierarchy of roads, landscaping and use of similar forms throughout the development, as depicted on Sheet 4 of the CDP/FDP. Lighting fixtures, benches, trash receptacles and similar site features shall be consistent with one another through-out the development. Single family "villas" adjacent to Centreville Road shall be designed so: (i) the fronts or

sides of units are oriented toward the road, with vehicular access to the rear of each unit; (ii) front and side facades contain similar architectural treatments; (iii) an attractive landscape buffer is provided generally as depicted on Sheet 3 of the CDP/FDP; and (iv) any required noise structures are architecturally compatible with the villas and are appropriately screened with landscaping.

34. **Architectural Elevations.** Building elevations of the proposed residential units and PDC non-residential buildings shall be generally consistent in character and materials, as to architectural style and quality, with the conceptual elevations depicted on Sheets 6 and 7 of the CDP/FDP, subject to approval by the ARB of those elevations within ARB jurisdiction, and as determined by DPWES. Within the SHOD, building elevations shall be reviewed and approved by the ARB pursuant to the provisions of Section 7-204 of the Zoning Ordinance.
35. **Hotel Shuttle.** The hotel shall provide an on-demand shuttle for the hotel patrons to and from Dulles Airport and the nearby Air and Space Museum.
36. **Orientation of Commercial Buildings.** Non-residential buildings located between Air & Space Museum Parkway and Sully Historic Way shall be designed to present an attractive visual orientation toward both public roadways by being architecturally finished on all four sides with similar materials, detailing and features on fronts, side and rears of buildings, in general accordance with the architectural elevations depicted on the CDP/FDP, and subject to approval of the ARB as to the office building.
37. **Energy Efficiency.** All homes constructed on the Property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES, for either electric or gas energy systems.
38. **Illegal Signs.** No temporary signs (including "popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on- or off-site, by the Applicant or at the Applicant's or any builders' direction, to assist in the initial sale and/or rental of homes on the Property. This same restriction shall apply to the marketing and/or sale of all retail establishments located on the Property. Furthermore, the Applicant, any builders and any retail tenants shall direct their respective agents and employees involved in the marketing and sale of the residential units on the Property to adhere to this Proffer.
39. **Lighting.** All lighting, including of signage, shall be provided in accordance with the requirements of Sections 14-900 and 7-200 (SHOD) of the Zoning Ordinance.
40. **Stormwater Management.** In accordance with County engineering requirements and subject to approval by DPWES of waivers and/or modifications, a stormwater management/Best Management Practice ("SWM/BMPs") facility shall be provided on-site generally in the location depicted on the CDP/FDP. The Applicant may utilize alternative measures, including innovative BMPs, as supplemental designs at time of site

plan submission, subject to the approval of DPWES and Urban Forest Management (UFM) and if in substantial conformance with the CDP/FDP.

- A. Said stormwater management facility shall be a wet pond, subject to County approval. To implement a wet pond design in a residential neighborhood, it is understood that the Applicant shall request a waiver from the County. If approved, said wet SWM/BMP pond facility shall be maintained by the UOA/HOA/COA in accordance with the County standards. The UOA/HOA/COA documents shall set forth, among other things, the maintenance responsibility for the wet SWM/BMP pond.
- B. Should the wet pond waiver(s) not be approved, the Applicant shall construct a dry pond(s) in accordance with PFM requirements. In the event that dry pond(s) are required in residential portions of the Property, the Applicant shall: (i) grant an easement to Fairfax County, in a location approved by DPWES at the time of final site plan approval, to provide access to the stormwater facility for maintenance by Fairfax County; and (ii) convey the stormwater management facilities to the relevant HOA for SWM/BMP purposes at the time of recordation of the record plat.
- C. In order to restore, as nearly as practicable, a natural appearance to the proposed SWM/BMP pond, the landscape plan submitted as part of the first and all subsequent submissions of the site plan for the SWM/BMP pond, shall show the restrictive planting easement for the pond and the maximum feasible amount of landscaping that reasonably will be allowed in the planting areas of the pond outside of that restrictive planting easement, in keeping with the planting policies of Fairfax County, as determined by UFM. The Applicant shall install said landscaping in accordance with said plan, subject to DPWES and UFM approval.
- D. Said pond shall be constructed in the general location shown on the development plan and in accordance with all applicable PFM design requirements, as determined by DPWES. An increase in the amount of clearing and/or grading for this facility from that shown on the development plan (to include clearing and grading associated with any spillways, outfall pipes, and/or maintenance roads) shall be permitted only if the following conditions are met:
 - The increase is required to meet PFM requirements as determined by DPWES;
 - The change is in substantial conformance with the development plan and proffers; and,
 - The additional area needed for the facility is accommodated without any reduction in non-stormwater management open space, tree save and/or landscaping area on the Property.

If it is determined that additional clearing and/or grading is required and such does not meet those criteria, a PCA shall be required.

41. **Low Impact Development ("LID")**. Applicant will provide low impact development features such as, but not limited to, at least four rain gardens, porous pavers and/or infiltration trenches.

42. **Off-Site Parcel 34-2((1))-12 ("Stout Parcel")**. The Applicant shall either acquire the Stout Parcel or shall pay all costs, including reasonable attorney's fees for outside counsel (if applicable), necessary to condemn the parcel. The Applicant shall use its good faith efforts to diligently pursue acquisition of said parcel and, if successful, shall dedicate the entire parcel to the FCPA upon demand. Applicant shall renew its efforts to obtain the Stout Parcel by making a good faith, fair market value offer in writing within 60 days after zoning approval, and shall diligently pursue said acquisition with reasonably repeated efforts until six months after filing of its initial site plan. If, six months subsequent to submission of the first site plan, the Applicant is unable to bring about the dedication of the Stout Parcel or acquire by purchase the Stout Parcel at fair market value, as determined by an MAI (Member of the Appraisal Institute) appraisal, then the Applicant shall demonstrate its efforts in writing to, and shall request that, the FCPA use its powers of Eminent Domain to condemn the Stout Parcel. The Applicant's request shall be forwarded, in writing, to the Manager, Land Acquisition Branch, Planning and Development Division of the FCPA accompanied by:

- A. Plans and plats showing the necessary property to be acquired;
- B. An independent appraisal, by an MAI appraiser who is not employed by the County, of the value of the land to be acquired and damages, if any, to the residue of the affected property;
- C. A sixty (60) year title search certificate of the land to be acquired;
- D. A Letter of Credit in an amount equal to the appraised value of the property to be acquired which can be drawn upon by FCPA. It is also understood that in the event the property owner of the Stout Parcel is awarded more than the Letter of Credit in a condemnation suit, said excess amount of the award shall be paid to FCPA by the Applicant within forty-five (45) days after said award has become final. It is further understood that all reasonable and documented sums expended by FCPA, as defined above, in acquiring the Stout Parcel shall be paid to FCPA by the Applicant within sixty (60) days of written demand; and
- E. A copy of written offers and counteroffers, and evidence of owner's refusal of such offers and counteroffers.

Should the FCPA not authorize, within 180 days of Applicant's aforesaid request, acquisition of the Stout Parcel by Eminent Domain, Applicant's obligation under this Proffer 42 shall be deemed to have been satisfied and Applicant shall be released therefrom.

43. **Sully Plantation**. The Applicant shall contribute \$200 per non-ADU unit, prior to issuance of the 500th building permit, to the FCPA for improvements to the Sully Historic Site facilities.

44. **Archaeological Studies.** A "Phase I Archaeological Survey" has been performed at the Applicant's expense for the Property by a certified, professional archaeologist, and has been submitted to DPZ for review. The findings of the above-referenced survey concluded that further study of the site is not warranted. Ninety (90) days prior to the beginning of on-site development activities, the Applicant shall grant permission to the FCPA Cultural Resource Management and Protection Section Manager and her agents, at their own risk and expense, to enter the Property to perform any necessary tests or studies, to monitor the Property at the time of initial clearing and grading and to recover artifacts, provided that such testing, studies, and removal do not unreasonably interfere with or delay the Applicant's construction schedule.
45. **Historical Marker.** Prior to final bond release for the section in which it is located, the Applicant shall fund the cost and erect an historical marker in close proximity to the historically significant area associated with the former "Turley Hall" plantation house. Location, design and text of said marker shall be determined in consultation with the Sully District Supervisor.
46. **Cemeteries.** To protect, during construction activities, the two cemeteries located along the south side of Barnsfield Road, prior to the initiation of clearing and grading the Applicant shall install temporary fencing defined as follows around the perimeter of each cemetery: 4-foot tall, 14-gauge welded wire attached to 6-foot steel posts driven 18 inches into the ground in cement or concrete "foundations", and placed no further than 10 feet apart. Said temporary fencing shall remain until completion of construction in the immediate area, when the Applicant shall provide around each cemetery a 4-foot tall, decorative metal fence, landscaping around the perimeter and a historical marker commemorating each cemetery. A public access easement shall be provided to the cemeteries and the UOA/HOA/COA shall maintain them. The obligation to maintain the cemeteries shall be provided for in the UOA/HOA/COA documents.
47. **Homeowners/Condo Association.**
- A. **Umbrella Owners' Association.** Prior to the issuance of the first Non-RUP or RUP for any phase of the development of the Property the Applicant shall establish an Umbrella Owners' Association ("UOA") in accordance with Virginia Law.
 - B. **Homeowner and Condominium Owners' Associations.** Prior to the issuance of the first RUP for any residential phase of the development of the Property, the Applicant shall cause either a Homeowners' Association and/or a Condominium Owners' Association ("HOA/COA") to be formed for that phase in accordance with Virginia law.
 - C. **Membership in UOA.** At a minimum, each HOA/COA and the owners of the PDC/Non-residential buildings shall be members of the UOA.
 - D. The UOA/HOA/COA shall be responsible for the care, operation and maintenance of private streets, parking, sidewalks, pedestrian trails, common

open space areas and recreational facilities within such development areas which are not owned and/or maintained by others. Prior to entering into a Contract of Sale, the initial purchasers of each respective residential unit shall be notified in writing by the Applicant of their maintenance responsibility for the private streets, wet stormwater management ponds, cemeteries, bus shelter, recreational and open space areas. This disclosure shall also be set forth in the respective UOA/HOA/COA documents.

- E. The requirement for review and approval by the County Architectural Review Board of exterior design changes for dwellings and other buildings located within the SHOD shall be included in the respective UOA/HOA/COA documents prepared for those portions Property.

48. **Residential Noise Attenuation.** To address noise impacts from Centreville Road, Route 28, and Air and Space Museum Parkway, the Applicant shall use building materials with the following characteristics pursuant to commonly accepted industry standards to achieve a maximum interior noise level of approximately 45 dBA Ldn and a maximum exterior noise level of 65 dBA Ldn in rear yards and outdoor recreation areas as follows:

- A. All residential units located within 190 feet of the centerline of Centreville Road and all residential units located within 950 feet of the centerline of Route 28 which are impacted by highway noise levels of between the 65 and 70 dBA Ldn and not otherwise shielded by structures or topography shall have the following acoustical attributes: Exterior walls shall have a laboratory STC rating of at least 39; and doors and windows shall have a laboratory STC rating of at least 28. If glazing constitutes more than twenty percent (20%) of any façade exposed to exterior noise levels between 65 and 70 dBA Ldn and not otherwise shielded by structures or topography, such facade shall have the same laboratory STC as walls. Measures to seal and caulk between exterior wall surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
- B. To achieve a maximum exterior noise level of (i) 65 dBA Ldn for rear yards and outdoor recreational areas exposed to noise levels in excess of 65 dBA Ldn, and not otherwise shielded by proposed buildings or topography, the Applicant shall construct noise attenuation structures generally as shown on the CDP/FDP. Said noise attenuation structures shall include acoustical walls, earthen berms and/or combinations thereof (the "Noise Structure"). The Noise Structure shall be flush to the ground and architecturally compatible with the adjacent residential units and solid from ground up with no gaps or openings. Neither the Applicant nor the UOA/HOA/COA shall be responsible for restoration, removal, relocation or reconstruction of said noise barriers if such noise barriers are removed or otherwise altered in conjunction with future roadway improvements.

- C. As an alternative to "A" or "B" above, the Applicant may elect to have a refined acoustical analysis performed, subject to approval of DPZ and DPWES, to verify or amend the noise levels and impact areas set forth above and/or to determine which units or portions thereof may have sufficient shielding from vegetation and other structures to permit a reduction in the mitigation measures prescribed above; or to determine minimum STC ratings for exterior walls, windows, and doors.
- D. The applicant shall demonstrate to the satisfaction of DPZ and DPWES, on units located within the contours cited within Proffer A above, that based on final grade and construction of noise attenuation features, rear yards of the noise-impacted SFA units shall not be affected by noise exceeding 65 dBA.
- E. Impacted units shall be depicted on the site plans.

- 49. **Avigation Easement and Airport Noise Notification.** At the time of site plan approval for each development area, Applicant shall provide an avigation easement over the respective site plan area for the benefit of, and in a form acceptable to, the Metropolitan Washington Airports Authority. The UOA/HOA/COA documents and/or leasing agreements for the residential units shall contain a notification that the site is in close proximity to Dulles International Airport, that the dwelling units may experience aircraft noise, and that noise contour lines may change in the future which could result in some increase in aircraft noise.
- 50. **Garages and Driveways.** The Applicant shall place a covenant on each single family residential lot prohibiting use of the garage for any purpose which would preclude motor vehicle storage. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the UOA/HOA/ COA and to the Board. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The HOA documents shall expressly state this use restriction. Driveways shall be a minimum eighteen (18) feet in length from the back of the sidewalk, if applicable.
- 51. **Route 28 Prepayment of Taxes.** The Applicant shall provide prepayment of taxes that would have been attributable to the residential (PDH-16) portion of the Property in its current non-residential zoning district, in accordance with the formula and provisions as adopted by the Board of Supervisors for optional residential development within the Route 28 Tax District. The prepayment of taxes shall be made within ninety (90) days after the Board of Supervisors approval of this rezoning application. The Applicant recognizes that failure to provide payment to the County in the full amount determined by the Boards' formula within 90 days of the Board of Supervisors approval of this rezoning, shall mean that this rezoning shall not become effective and that this rezoning decision shall be void in accordance with Virginia Code Section 15.2-4608©.

52. **Escalation.** All monetary contributions required by these Proffers shall be adjusted for inflation, in conformance with the Consumer Price Index, occurring subsequent to the date of subject rezoning approval and up to the date of payment of the respective contribution.
53. **Density Credit.** All intensity of use attributable to land areas dedicated and/or conveyed to the Board or any other County agency at Applicant's expense pursuant to these proffers (including, without limitation, the dedications referenced above) shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the Property.
54. **Severability.** Any of the sections or individual land bays may be the subject of a PCA, CDPA and/or FDPA without joinder and/or consent of the other sections or land bays, if such PCA, CDPA and/or FDPA does not have any material adverse effect on such other section or land bays. Previously approved proffered conditions or development conditions applicable to the section(s) or land bay(s) not the subject of such a PCA, CDPA, and/or FDPA shall otherwise remain in full force and effect.
55. **Counterparts.** To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to the Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.
56. **Successors and Assigns.** Each reference to "Applicant" in this Proffer Statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest, assigns, and/or developer(s) of the Property or any portion of the Property.

[SIGNATURES ON FOLLOWING PAGES]

SULLY EAST L.C.

Applicant and Title Owner of Parcels

34-2-((1))-1A, 2, ~~3A~~, 10A, 27, 35

By: 

Name: Steven B. Peterson

Title: Manager

SULLY NORTH INVESTMENTS L.C.

Title Owner of Parcel 34-2-((1))-33

By: 

Name: James W. Todd

Title: Manager

BOARD OF SUPERVISORS OR FAIRFAX
COUNTY, VIRGINIA

*Title Owner of approximately 1.5467 acres of
Barnsfield Road Right-of-Way*

By: _____

Name: _____

Title: _____

K. HOVNANIAN DEVELOPMENTS OF
VIRGINIA, INC. (f/k/a K. Hovnanian
Developments of Metro Washington, Inc.)
Contract Purchaser

By: _____

Name: _____

Title: _____

SULLY EAST L.C.

Applicant and Title Owner of Parcels

34-2-((1))-1A, 2, 3A, 10A, 27, 35

By: _____

Name: _____

Title: Manager

SULLY NORTH INVESTMENTS L.C.

Title Owner of Parcel 34-2-((1))-33

By: _____

Name: _____

Title: _____

BOARD OF SUPERVISORS OR FAIRFAX
COUNTY, VIRGINIA

*Title Owner of approximately 1.5467 acres of
Barnsfield Road Right-of-Way*

By: _____

Name: _____

Title: _____

K. HOVNANIAN DEVELOPMENTS OF
VIRGINIA, INC. (f/k/a K. Hovnanian

Developments of Metro Washington, Inc.)

Contract Purchaser

By:  _____

Name: MARK D. STEM BOW

Title: Vice President

FINAL DEVELOPMENT PLAN CONDITIONS**FDP 2003-SU-035****January 3, 2007**

If it is the intent of the Planning Commission to approve Final Development Plan Amendment FDP 2003-SU-035, on property located at Tax Map 34-2 ((1)) 1A, 2, 3A, 10A, 27, 33 pt. and 35, plus a portion of Barnesfield Road to be vacated, and or abandoned, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions.

1. The pool/courtyard at the intersection of Turley Hall Drive and the former segment of Barnesfield Road shall be consistent in quality and character to the pool/courtyard depicted on Sheet 11 of the CDP/FDP.
2. All signage shall be architecturally compatible with the buildings in terms of style, color and materials. The location of all signs shall comply with the provisions of Article 12 of the Zoning Ordinance, irrespective of that shown on the FDP, subject to ARB review and approval.
3. All lighting shall meet or exceed the standards set forth in the Zoning Ordinance for outdoor lighting at the time of site plan review, with final determination made by Department of Public Works and Environmental Services staff. The submission of a photometric study shall also be required for the athletic fields.
4. As requested by Fairfax Water, the recordation of an amendment to the existing waterline easement agreement shall also be required prior to site plan approval.
5. To facilitate the formation of carpools, a minimum of 10 carpool parking spaces marked with signage shall be provided in either the retail/office or hotel/restaurant portion of the development.
6. The establishment of an easement for the proposed alignment of the major pedestrian/bike trail detailed in the FDP shall be coordinated with the Fairfax County Park Authority, MWAA and VDOT before the abandonment of Barnesfield Road occurs.
7. An on-street bike lane extending from the terminus of Turley Hall Drive to the unnamed cross street east of Beale Drive, then connecting with the proposed major off-street trail that generally follows the current alignment of Barnesfield Road shall be provided subject to the approval of FDOT and VDOT.
8. Striped, mid-block crosswalks on Turley Hall Drive shall be provided at the garage entries for the multi-family development and on the west leg of Turley Hall Drive at the townhome/multi-family entrances subject to VDOT approval.

9. Planter boxes consistent with those proposed along the multifamily buildings (as depicted on Sheet 13 of the CDP/FDP) shall also be provided along the southern facade of the hotel to the extent possible, as determined by UFM to better screen the use from the adjacent multifamily building.
10. Shuttle service from the hotel to the Air & Space Museum and Dulles Airport shall be available to guests. Shuttle services shall be made available to residents of the age-restricted community at a minimal cost on a space available basis.
11. A minimum of one loading space shall be provided for each multi-family building.

DEVELOPMENT CONDITIONS**SE 2003-SU-023****January 3, 2007**

If it is the intent of the Board of Supervisors to approve SE 2003-SU-023 located at Tax Map 34-2 ((1)) 2 pt., 3A pt., 10A pt., and 27 pt. and a portion of Barnsfield Road, to be vacated and/or abandoned, for an increase in building height pursuant to Sect. 9-607 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Dulles Discovery Special Exception Plat" prepared by LandDesign, Inc. and dated October 13, 2006 and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The height of residential multifamily buildings within the outermost 500 feet of the Sully Historic Overlay District, as shown on the CDP/FDP, shall not exceed 60 feet in height.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

REZONING AFFIDAVIT

DATE: December 7, 2006
(enter date affidavit is notarized)

I, Jeffrey H. Saxe, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
☒ applicant's authorized agent listed in Par. 1(a) below

80366c

in Application No.(s): RZ 2003-SU-035
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application, and, if any of the foregoing is a **TRUSTEE***, each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Sully East L.C.(1) Agents: Milton V. Peterson William E. Peterson Steven B. Peterson Jon M. Peterson James W. Todd Jeffrey H. Saxe	12500 Fair Lakes Circle, Suite 400 Fairfax, VA 22033	Applicant/Title Owner of Parcels 34-2-((1))-1A, 2, 3A, 10A, 27, 35; Agent for Title Owner of Parcel 34-2-((1))-33
Sully North Investments L.C.(4) Agents: Milton V. Peterson James W. Todd William E. Peterson Jon M. Peterson Jeffrey H. Saxe	12500 Fair Lakes Circle, Suite 400 Fairfax, VA 22033	Former Applicant; Title Owner of Parcel 34-2-((1))-33

(check if applicable) ☒ There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Board of Supervisors of Fairfax County, Virginia Agent: Anthony H. Griffin	12000 Government Center Parkway Suite 533 Fairfax, VA 22035	Title Owner of Barnsfield Road Right-of-Way
DD-Simmons L.C.(5) Agents: Milton V. Peterson William E. Peterson Steven B. Peterson	12500 Fair Lakes Circle, Suite 400 Fairfax, VA 22033	FORMER Title Owner of Parcels 34-2-((1))-2, 27
K. Hovnanian Developments of Virginia, Inc.(8) (f/k/a K. Hovnanian Developments of Metro Washington, Inc.) Agents: Mark D. Stemen Patrick M. McNeally Roger D. Riggins(former) David Farmer (former)	4090-A Lafayette Center Drive Chantilly, VA 20151	Contract Purchaser
Hunton & Williams LLP(10)	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Francis A. McDermott John C. McGranahan, Jr. Michael E. Kinney	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Elaine O'Flaherty Cox	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Planner/Agent for Applicant
Jeannie A. Mathews	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Paralegal/Agent for Applicant
Urban Engineering & Assoc., Inc.(11) Agents: David T. McElhaney James C. Bishoff Christopher W. Myers (former) Michael J. Gallagher	7712 Little River Turnpike Annandale, VA 22003	Engineers/Agents for Applicant

(check if applicable)

☒

There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

Rezoning Attachment to Par. 1(a)

DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
LandDesign, Inc.(12) Agents: Peter R. Crowley Benjamin J. Zitelli Kevin J. Tankersley	200 South Peyton Street Alexandria, VA 22314	Landscape Architects/Land Planners/ Agents for Applicant
Patton, Harris, Rust & Associates, Inc.(13) Agents: Douglas R. Kennedy John F. Callow Nikolai Alexandrow	14532 Lee Road Chantilly, VA 20151-1679	Traffic Consultants/Agents for Applicant
Brown and Craig Inc., d/b/a Brown Craig Turner(14) Agents: R. James Pett Bryce A. Turner	1030 Hull Street, Suite 301 Baltimore, MD 21230	Architects/Agents for Applicant
Lessard Group Inc.(15) Agents: Christian J. Lessard Enrico E. Villaroman	8521 Leesburg Pike, Suite 700 Vienna, VA 22182	Architects/Agents for Contract Purchaser

(check if applicable)

[]

There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number(s))

- 1(b). The following constitutes a listing** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(1) Sully East L.C.
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

MVP Master Limited Partnership(2) ✓ Jon M. Peterson
Lauren Peterson Fellows Steven B. Peterson
William E. Peterson

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer, etc.**)

Milton V. Peterson, Manager
William E. Peterson, Manager
Steven B. Peterson, Manager

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(b)DATE: December 7, 2006
(enter date affidavit is notarized)

803660

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)(3)MVP Management, LLC
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

MEMBERS:

Milton V. Peterson	Steven B. Peterson
Carolyn S. Peterson	Jon M. Peterson
William E. Peterson	Lauren P. Fellows

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.**President, Vice-President, Secretary, Treasurer, etc.)**Milton V. Peterson, Manager
William E. Peterson, Manager
Steven B. Peterson, Manager**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)(4)Sully North Investments L.C.
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

MEMBERS:

MVP Master Limited Partnership(2)	Jon M. Peterson
Lauren P. Fellows	Steven B. Peterson
William E. Peterson	

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.**President, Vice-President, Secretary, Treasurer, etc.)**Milton V. Peterson, Manager
William E. Peterson, Manager
James W. Todd, Manager(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)(5)DD-Simmons L.C. (FORMER)
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Crown Ridge Associates L.P.(6)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.**President, Vice-President, Secretary, Treasurer, etc.)**Milton V. Peterson, Manager
William E. Peterson, Manager
Steven B. Peterson, Manager**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)(7)Crown Ridge Associates L.C. (FORMER)
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)Milton V. Peterson Jon M. Peterson
William E. Peterson Lauren P. Fellows
Steven B. Peterson**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g.**President, Vice-President, Secretary, Treasurer, etc.)**Milton V. Peterson, Manager
William E. Peterson, Manager
Steven B. Peterson, Manager
James W. Todd, Manager(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)(8)K. Hovnanian Developments of Virginia, Inc.
(f/k/a K. Hovnanian Developments of Metro Washington, Inc.)
4090-A Lafayette Center Drive
Chantilly, VA 20151**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Hovnanian Enterprises, Inc.(9)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.**President, Vice-President, Secretary, Treasurer, etc.)**

Kevork S. Hovnanian, Chairman; Ara K. Hovnanian, Vice Chairman; J. Larry Sorsby, Exec VP/CFO; Peter S. Reinhart, Sr VP/GC/Sec; Paul W. Buchanan, Sr VP/Controller; Kevin C. Hake, VP/Treas; Thomas J. Pellerito, Pres; Christopher J. Spendley, Sr VP/Asst Sec; Clayton W. Miller, Sr VP/Asst Sec; Stephen W. Pelz, VP/Assoc GC/Asst Sec; Timothy M. Bates, VP; Mark D. Stemen, VP; Gary R. Chandler, VP; Marcia C. Wines, VP

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)(9)Hovnanian Enterprises, Inc.
110 West Front Street
Red Bank, NJ 07701**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Kevork S. Hovnanian	Fidelity Low Priced Stock Fund(9B) ✓
Ara K. Hovnanian	Fidelity Management & Research Company(9C) ✓
Earnest Partners, LLC(9A)	

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.**President, Vice-President, Secretary, Treasurer, etc.)**

Kevork S. Hovnanian, Chairman/Director	Kevin C. Hake, Vice President/Treasurer
Ara K. Hovnanian, CEO/President/Director	Peter S. Reinhart, Sr. VP/GC/Secretary
Paul W. Buchanan, Sr. VP/Controller	J. Larry Sorsby, Exec. VP/CFO/Director

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: December 7, 2006
(enter date affidavit is notarized)

803 460

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(9A) Earnest Partners, LLC
1180 Peachtree Street, Suite 2300
Atlanta, GA 30309

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☒ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(9B) Fidelity Low Priced Stock Fund
82 Devonshire Street
Boston, MA 02109

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☒ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: December 7, 2006
(enter date affidavit is notarized)

803660

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(9C)Fidelity Management & Research Company
82 Devonshire Street
Boston, MA 02109

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

FMR Corp.(9D)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(9D)FMR Corp.
82 Devonshire Street
Boston, MA 02109

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Abigail P. Johnson
Edward C. Johnson III

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: December 7, 2006
(enter date affidavit is notarized)

803660

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(11)Urban Engineering & Assoc., Inc.
7712 Little River Turnpike
Annandale, VA 22003

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Barry B. Smith
J. Edgar Sears, Jr.
Brian A. Sears

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(12)LandDesign, Inc.
200 South Peyton Street
Alexandria, VA 22314

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Bradley W. Davis
Peter R. Crowley
Dale Stewart

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(13)Patton, Harris, Rust & Associates, Inc.
14532 Lee Road
Chantilly, VA 20151-1679

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Thomas D. Rust
Jeffrey E. Frank

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(14)Brown and Craig Inc. d/b/a Brown Craig Turner
1030 Hull Street, Suite 301
Baltimore, MD 21230

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Bryce A. Turner
Robert W. Gehrman

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(15) Lessard Group Inc.
8521 Leesburg Pike, Suite 700
Vienna, VA 22182

✓

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Christian J. Lessard Brandon W. Lessard 2004 Trust (Christian J. Lessard, Trustee; Brandon W. Lessard, Beneficiary)
Cameron J. Lessard 2004 Trust (Christian J. Lessard, Trustee; Cameron J. Lessard, Beneficiary)
Christian J. Lessard Jr. 2004 Trust (Christian J. Lessard, Trustee; Christian J. Lessard, Jr., Beneficiary)
Kellie Jean Lessard Brooks 2004 Trust (Christian J. Lessard, Trustee; Kellie Jean Lessard Brooks, Beneficiary)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number(s))

1(c). The following constitutes a listing** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

(2)MVP Master Limited Partnership
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

GENERAL PARTNER:

MVP Management, LLC(3)

LIMITED PARTNER:

Milton V. Peterson

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

**** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.**

Rezoning Attachment to Par. 1(c)DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(10)Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Benjamin C. Ackerly	Kristy A. Niehaus Bulleit	Deidre G. Duncan
Robert A. Acosta-Lewis	Joseph B. Buonanno	Mark S. Dray
Richard L. Adams	Brian M. Buroker	L. Traywick Duffie
Jennifer A. Albert	Ferdinand Calice	Frederick R. Eames
Virginia S. Albrecht	Matthew J. Calvert	Maya M. Eckstein
Kenneth J. Alcott	Christopher C. Campbell	Robert H. Edwards, Jr.
Joseph B. Alexander, Jr.	Daniel M. Campbell	W. Jeffery Edwards
Fernando C. Alonso	Curtis G. Carlson	Whitney C. Ellerman
Thomas E. Anderson	Grady K. Carlson	L. Neal Ellis, Jr.
Walter J. Andrews	Jean Gordon Carter	Edward W. Elmore, Jr.
W. Christopher Arbery	Charles D. Case	Frank E. Emory, Jr.
Charles G. Ashton	Thomas J. Cawley	Juan C. Enjamio
L. S. Austin	James N. Christman	John D. Epps
Ian Phillip Band	Whittington W. Clement	Patricia K. Epps
Jeffery R. Banish	R. Noel Clinard	Kelly L. Faglioni
A. Neal Barkus	W. S. Cockerham	Susan S. Failla
Haywood A. Barnes	Herve' Cogels	James E. Farnham
Jeffrey P. Bast	Myron D. Cohen	Mark James Fennessy
Philip M. Battles, III	Cassandra C. Collins	Norman W. Fichthorn
John J. Beardsworth, Jr.	Stacy M. Colvin	Andrea Bear Field
Kenneth D. Bell	Joseph P. Congleton	Robert M. Fillmore
Stephen Bennett	Terence G. Connor	Edward S. Finley, Jr.
Lucas Bergkamp	William S. Cooper, III	Kevin J. Finto
Lon A. Berk	Cameron N. Cosby	William M. Flynn
Mark B. Bierbower	T. Thomas Cottingham, III	Lauren E. Freeman
Jo Ann Biggs	Ted C. Craig	Ira L. Freilicher
Stephen R. Blacklocks	Cyane B. Crump	David R. Fricke
William S. Boyd	Ian Cuillerier	Edward J. Fuhr
Lawrence J. Bracken, II	Sean B. Cunningham	Douglas M. Garrou
James P. Bradley	William D. Dannelly	Richard D. Gary
David F. Brandley, Jr.	Samuel A. Danon	Manning Gasch, Jr.
Lisa R. Brant	Barry R. Davidson	Andrew A. Gerber
Craig A. Bromby	Douglas W. Davis	Shahid Ghauri
A. Todd Brown	John Deacon	Neil K. Gilman
Tyler P. Brown	Stephen P. Demm	C. Christopher Giragosian
F. William Brownell	Patrick A. Doody	Timothy S. Goettel
Kevin J. Buckley	Dee Ann Dorsey	Peter G. Golden
Nadia Burgard	Edward L. Douma	Allen C. Goolsby
Eric R. Burner	Sean P. Ducharme	L. Raul Grable

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(10)Hunton & Williams LLP (Continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)Douglas S. Granger
Edward J. Grass
J. William Gray, Jr.
Robert J. Grey, Jr.
Greta T. Griffith
Jeffrey W. Gutches
Miles B. Haberer
Virginia H. Hackney
Robert J. Hahn
John F. Haley
Ronald M. Hanson
Richard L. Harden
Ray V. Hartwell, III
James A. Harvey
Robert W. Hawkins
Timothy G. Hayes
Mark S. Hedberg
Douglas J. Heffner
Matthew C. Henry
Scott Hershman
George H. Hettrick
Louanna O. Heuhsen
David A. Higbee
Thomas Y. Hiner
D. Bruce Hoffman
Robert E. Hogfoss
John E. Holloway
John M. Holloway, III
George C. Howell, III
Robert H. Huey
Thomas M. Hughes
Donald P. Irwin
Judith H. Itkin
Makram B. Jaber
Paul E. Janaskie
Lori M. Jarvis
Matthew D. Jenkins
Harry M. Johnson, III
James A. Jones, IIILaura E. Jones
Dan J. Jordanger
Leslie O. Juan
Thomas R. Julin
E. Peter Kane
Thomas F. Kaufman
Peter Kavanagh
Joseph C. Kearfott
Douglas W. Kenyon
Michael C. Kerrigan
Marie Kidwell
Sylvia K. Kochler
Edward B. Koehler
John T. Konther
Dana S. Kull
Christopher Kuner
David Craig Landin
Christine E. Larkin
David C. Lashway
Andrew W. Lawrence
Wood W. Lay
Daniel M. LeBey
David O. Ledbetter
Ronald J. Lieberman
Thomas F. Lillard
Catherine D. Little
Gregory G. Little
David C. Lonergan
Nash E. Long, III
Audrey C. Louison
Carlos E. Loumiet
David S. Lowman, Jr.
John A. Lucas
Martin T. Lutz
Timothy A. Mack
Tyler Maddry
Kimberly M. Magee
C. King Mallory, III
Thomas J. ManleyAlan J. Marcuis
Fernando Margarit
Michael F. Marino, III
Jeffrey N. Martin
John S. Martin
J. Michael Martinez de Andino
Walfredo J. Martinez
Christopher M. Mason
Michael P. Massad, Jr.
Scott H. Matheson
Laurie U. Mathews
Richard E. May
John Gary Maynard, III
William H. McBride
Patrick J. McCormick, III
Francis A. McDermott
Alexander G. McGeoch
John C. McGranahan, Jr.
David T. McIndoe
James E. Meadows
Mark W. Menezes
Gary C. Messplay
James Forrest Miller
Thomas McN. Millhiser
John E. Moeller
Jack A. Molenkamp
Charles R. Monroe, Jr.
Royce W. Montgomery
T. Justin Moore, III
Thurston R. Moore
Bruce W. Moorhead, Jr.
Robert J. Morrow
Ann Marie Mortimer
Robert J. Muething
Eric J. Murdock
Frank J. Murphy, Jr.
J. Andrew Murphy
Ted J. Murphy
Thomas P. Murphy(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(10)Hunton & Williams LLP (Continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)David A. Mustone
James P. Naughton
Michael Nedzbala
Henry V. Nickel
Lonnie D. Nunley, III
E. A. Nye, Jr.
Dan L. O'Korn
John D. O'Neill, Jr.
Brian V. Otero
Randall S. Parks
Peter S. Partee
R. Hewitt Pate
Swati Patel
William S. Patterson
Humberto R. Peña
B. Donovan Picard
R. Dean Pope
Laurence H. Posorske
Kurtis A. Powell
Lewis F. Powell, III
Wesley R. Powell
Donna M. Praiss
J. Waverly Pulley, III
Robert T. Quackenboss
Arnold H. Quint
William M. Ragland, Jr.
Gordon F. Rainey, Jr.
John Jay Range
Stuart A. Raphael
Craig V. Rasile
John M. Ratino
Robert S. Rausch
Keila D. Ravelo
Belynda B. Reck
Baker R. Rector
Shawn P. Regan
Sona Rewari
Thomas A. Rice
William M. RichardsonJames M. Rinaca
Jennings G. Ritter, II
Kathy E. B. Robb
Gregory B. Robertson
Scott L. Robertson
Robert M. Rolfe
Michael Rosenthal
William L. S. Rowe
Marguerite R. Ruby
D. Alan Rudlin
Mary Nash Rusher
Vance E. Salter
Karen M. Sanzaro
Stephen M. Sayers
Arthur E. Schmalz
John R. Schneider
Stephen T. Schreiner
Robert M. Schulman
Melvin S. Schulze
Patricia M. Schwarzschild
Thomas J. Scott, Jr.
P. Watson Seaman
James S. Seevers, Jr.
Douglass P. Selby
James W. Shea
Michael R. Shebelskie
Rita A. Sheffey
James E. Shepherd
William P. Silverman
Edmund Sim
Jo Anne E. Sirgado
Thomas G. Slater, Jr.
B. Darrell Smelcer
Brooks M. Smith
Caryl Greenberg Smith
John R. Smith
Steven P. Solow
Lisa J. Sotto
Joseph C. Stanko, Jr.Marty Steinberg
Catherine B. Stevens
Gregory N. Stillman
Franklin H. Stone
C. Randolph Sullivan
Chanmanu Sumawong
R. Michael Sweeney
Madeleine M. Tan
Andrew J. Tapscott
Robert M. Tata
Rodger L. Tate
W. Lake Taylor, Jr.
Wendell L. Taylor
Michael L. Teague
Daniel C. Tepstein
Robin Lyn Teskin
Paul Tetlow
John Charles Thomas
Martin Thomas
Gary E. Thompson
Paul M. Thompson
B. Cary Tolley, III
Timothy J. Toohey
Randolph F. Totten
Bridget C. Treacy
Thomas B. Trimble
Estelle J. Tsevdos
Melvin E. Tull, III
Julie I. Ungerman
Surasak Vajasit
Steven C. Valerio
Travis E. Vanderpool
Mark C. Van Deusen
C. Porter Vaughan, III
Enid L. Veron
Linda L. Walsh
William A. Walsh, Jr.
Mark R. Wasem
Abigail C. Watts-FitzGerald(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(10)Hunton & Williams LLP (Continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)David B. Weisblat
Mark G. Weisshaar
Hill B. Wellford, Jr.
David E. Wells
G. Thomas West, Jr.
Stephen F. White
Jerry E. Whitson
Paul O. Wickes
Amy McDaniel Williams
Gerry L. Williams
Matthew Williams
Robert K. Wise
John W. Woods, Jr.
David C. Wright
David M. Young
William F. Young
Dennis L. Zakas
Andrew D. Zaron
Lee B. Zeugin**FORMER PARTNERS CONTINUED:**Joe A. Davis
Brian Dethrow
Richard N. Drake
Mark S. Dray
Bradley R. Duncan
Kevin T. Duncan
Lathan M. Ewers, Jr.
Kevin L. Fast
Howard V. Fisher
David F. Geneson
Frederick Graefe
Mark E. Grantham
Patti L. Grant-Wilkinson
Anne Gordon Greever
John Owen Gwathmey
Alberto M. Hernandez
Frank A. Hirsch, Jr.
Scott M. Hobby
Stuart K. Hoffman
Charles F. Hollis
Derek C. Johnston
Daniel O. Kennedy
Angela A. Kennerly
Elizabeth A. Lalik
Michael J. Lockerby
Kelly D. Ludwick
Harrison D. Maas
Robert C. MacDonald
M. Kelly Malone
Jonathan R. Marsh
Enrique J. Martin
Gerald P. McCartin
Jack E. McClard
J. Burke McCormick
Matthew P. McGuire
John W. McReynolds
David I. Meyers
John Miles**FORMER PARTNERS CONTINUED:**John B. Miller, Jr.
William A. Moore
Elizabeth Ann Morgan
Edmond P. Murphy
Jerry C. Newsome
Anna G. Oestereicher
John P. Pinkerton
David P. Poole
Thomas W. Pounds
Virginia W. Powell
Roberto R. Pupo
Scott M. Ratchick
Pauline A. Schneider
Carolyn E. Shellman
Turner T. Smith, Jr.
Guy T. Tripp, III
C. L. Wagner, Jr.
Robert J. Ward
Harry J. Warthen, III
Milby A. West
Peter H. White
Laura L. Whiting
Robert A. Wooldridge
Leslie B. Zacks**FORMER PARTNERS:**Stanislaus Aksman
Neil D. Anderson
W. Tinley Anderson, III
John B. Ashton
Gerald L. Baliles
R. Mason Bayler, Jr.
Coburn R. Beck
Jerry B. Blackstock
Russell S. Bogue, III
William S. Bradley
Arthur D. Brannan
Emerson V. Briggs
Christopher G. Browning, Jr.
David M. Carter
Jennifer Hinkebein Culotta
Maria T. Currier(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

REZONING AFFIDAVIT

DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE*

*A portion of the subject property, the Barnsfield Road right-of-way, is owned by the Board of Supervisors as an entity; however, no individual member of the Board of Supervisors has any personal ownership or financial interest in this land.

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: December 7, 2006
(enter date affidavit is notarized)

80366c

for Application No. (s): RZ 2003-SU-035
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

Milton V. Peterson has contributed in excess of \$100.00 to Supervisor DuBois, to Supervisor Frey, and to Supervisor Connolly.
Jon M. Peterson has contributed in excess of \$100.00 to Supervisor Frey and to Supervisor Connolly.
Thomas D. Rust has contributed \$100.00 to Supervisor Frey.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

Jeffrey H. Saxe, Agent for Applicant

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 7th day of December 2006, in the State/Comm. of Virginia, County/City of Fairfax.

Beth A. Bennett

Notary Public

My commission expires: 6/30/07

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 7, 2006
(enter date affidavit is notarized)

I, Jeffrey H. Saxe, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
 ☒ applicant's authorized agent listed in Par. 1(a) below

80367c

in Application No.(s): SE 2003-SU-023
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application, and, if any of the foregoing is a **TRUSTEE***, each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Sully East L.C.(1) Agents: Milton V. Peterson William E. Peterson Steven B. Peterson Jon M. Peterson James W. Todd Jeffrey H. Saxe	12500 Fair Lakes Circle, Suite 400 Fairfax, VA 22033	Applicant/Title Owner of Parcels 34-2-((1))-2, 3A, 10A, 27
Sully North Investments L.C.(4) Agents: Milton V. Peterson James W. Todd William E. Peterson Jon M. Peterson Jeffrey H. Saxe	12500 Fair Lakes Circle, Suite 400 Fairfax, VA 22033	FORMER Applicant
Board of Supervisors of Fairfax County, Virginia Agent: Anthony H. Griffin	12000 Government Center Parkway Suite 533 Fairfax, VA 22035	Title Owner of Barnsfield Road Right-of-Way

(check if applicable) ☒ There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Special Exception Attachment to Par. 1(a)DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))

(NOTE: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
DD-Simmons L.C.(5) Agents: Milton V. Peterson William E. Peterson Steven B. Peterson	12500 Fair Lakes Circle, Suite 400 Fairfax, VA 22033	FORMER Title Owner of Parcels 34-2-((1))-2, 27
K. Hovnanian Developments of Virginia, Inc.(8) (f/k/a K. Hovnanian Developments of Metro Washington, Inc.) Agents: Mark D. Stemen Patrick M. McNeally Roger D. Riggins (former) David Farmer (former)	4090-A Lafayette Center Drive Chantilly, VA 20151	Contract Purchaser
Hunton & Williams LLP(10)	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Francis A. McDermott John C. McGranahan, Jr. Michael E. Kinney	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Elaine O'Flaherty Cox	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Planner/Agent for Applicant
Jeannie A. Mathews	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Paralegal/Agent for Applicant
Urban Engineering & Assoc., Inc.(11) Agents: David T. McElhaney James C. Bishoff Christopher W. Myers (former) Michael J. Gallagher	7712 Little River Turnpike Annandale, VA 22003	Engineers/Agents for Applicant
LandDesign, Inc.(12) Agents: Peter R. Crowley Benjamin J. Zitelli Kevin J. Tankersley	200 South Peyton Street Alexandria, VA 22314	Landscape Architects/Land Planners/ Agents for Applicant

(check if applicable) ☒ There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

Special Exception Attachment to Par. 1(a)

DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Patton, Harris, Rust & Associates, Inc.(13) Agents: Douglas R. Kennedy John F. Callow Nikolai Alexandrow	14532 Lee Road Chantilly, VA 20151-1679	Traffic Consultants/Agents for Applicant
Brown and Craig Inc., d/b/a Brown Craig Turner (14) Agents: R. James Pett Bryce A. Turner	1030 Hull Street, Suite 301 Baltimore, MD 21230	Architects/Agents for Applicant
Lessard Group Inc.(15) Agents: Christian J. Lessard Enrico E. Villaroman	8521 Leesburg Pike, Suite 700 Vienna, VA 22182	Architects/Agents for Contract Purchaser

(check if applicable)

☐ There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number(s))

1(b). The following constitutes a listing** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code) (1) Sully East L.C.
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

MANAGERS:
Milton V. Peterson
William E. Peterson
Steven B. Peterson

MEMBERS:
MVP Master Limited Partnership(2)
Lauren Peterson Fellows
William E. Peterson
Jon M. Peterson
Steven B. Peterson

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)(3) MVP Management, LLC
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

MANAGERS & MEMBERS:

Milton V. Peterson
William E. Peterson
Steven B. Peterson

MEMBERS:

Carolyn S. Peterson
Jon M. Peterson
Lauren P. Fellows**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)(4) Sully North Investments L.C.
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

MANAGERS:

Milton V. Peterson
William E. Peterson
James W. Todd

MEMBERS:

MVP Master Limited Partnership(2)
Lauren P. Fellows
William E. PetersonJon M. Peterson
Steven B. Peterson(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: December 7, 2006
(enter date affidavit is notarized)

803 67c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(5)DD-Simmons L.C. (FORMER)
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

MEMBER:	MANAGERS:
Crown Ridge Associates, L.P.(6)	Milton V. Peterson
	William E. Peterson
	Steven B. Peterson

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(7)Crown Ridge Associates L.C. (FORMER)
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

MANAGERS & MEMBERS:	MANAGER:	MEMBERS:
Milton V. Peterson	James W. Todd	Jon M. Peterson
William E. Peterson		Lauren P. Fellows
Steven B. Peterson		

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

(8)K. Hovnanian Developments of Virginia, Inc.
(f/k/a K. Hovnanian Developments of Metro Washington, Inc.)
4090-A Lafayette Center Drive
Chantilly, VA 20151

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Hovnanian Enterprises, Inc.(9)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(9)Hovnanian Enterprises, Inc.
110 West Front Street
Red Bank, NJ 07701

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Kevork S. Hovnanian
Ara K. Hovnanian
Earnest Partners, LLC(9A)
Fidelity Low Priced Stock Fund(9B)
Fidelity Management & Research Company (9C)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(9A) Earnest Partners, LLC
1180 Peachtree Street, Suite 2300
Atlanta, GA 30309

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☒ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(9B) Fidelity Low Priced Stock Fund
82 Devonshire Street
Boston, MA 02109

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☒ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)(9C) Fidelity Management & Research Company
82 Devonshire Street
Boston, MA 02109**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

FMR Corp. (9D)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)(9D) FMR Corp.
82 Devonshire Street
Boston, MA 02109**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)Abigail P. Johnson
Edward C. Johnson III

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(11)Urban Engineering & Assoc., Inc.
7712 Little River Turnpike
Annandale, VA 22003

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Barry B. Smith
J. Edgar Sears, Jr.
Brian A. Sears

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(12)LandDesign, Inc.
200 South Peyton Street
Alexandria, VA 22314

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Bradley W. Davis
Peter R. Crowley
Dale Stewart

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(13)Patton, Harris, Rust & Associates, Inc.
14532 Lee Road
Chantilly, VA 20151-1679

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Thomas D. Rust
Jeffrey E. Frank

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(14)Brown and Craig Inc. d/b/a Brown Craig Turner
1030 Hull Street, Suite 301
Baltimore, MD 21230

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Bryce A. Turner
Robert W. Gehrman

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)(13) Lessard Group Inc.
8521 Leesburg Pike, Suite 700
Vienna, VA 22182**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Christian J. Lessard	Christian J. Lessard, Trustee	Brandon W. Lessard, Beneficiary
Brandon W. Lessard 2004 Trust	Christian J. Lessard, Trustee	Cameron J. Lessard, Beneficiary
Cameron J. Lessard 2004 Trust	Christian J. Lessard, Trustee	Christian J. Lessard, Jr., Beneficiary
Christian J. Lessard Jr. 2004 Trust	Christian J. Lessard, Trustee	Kellie Jean Lessard Brooks, Beneficiary
Kellie Jean Lessard Brooks 2004 Trust	Christian J. Lessard, Trustee	

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number(s))

1(c). The following constitutes a listing** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

(2)MVP Master Limited Partnership
12500 Fair Lakes Circle
Suite 400
Fairfax, VA 22033

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

GENERAL PARTNER:

MVP Management, LLC(3)

LIMITED PARTNER:

Milton V. Peterson

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(c)DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(5)Crown Ridge Associates L.P. (FORMER)
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033(check if applicable) ☐ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

GENERAL PARTNER:

Crown Ridge Associates L.C.(7)

LIMITED PARTNERS:

Milton V. Peterson
Lauren P. Fellows
William E. Peterson
Jon M. Peterson
Steven B. Peterson
Peterson Grandchildren's Trusts:

TRUST NAME:	TRUSTEES:	BENEFICIARY:
Megan Elizabeth Fellows Intervivos Trust	Lauren P. Fellows; Nancy Z. McGrath	Megan Elizabeth Fellows
Jillian Alexis Fellows Intervivos Trust	Lauren P. Fellows; Nancy Z. McGrath	Jillian Alexis Fellows
Christopher Milton Peterson Intervivos Trust	Jon M. Peterson; Nancy Z. McGrath	Christopher Milton Peterson
Nicholas Jon Peterson Intervivos Trust	Jon M. Peterson; Nancy Z. McGrath	Nicholas Jon Peterson
Caralena Christina Peterson Intervivos Trust	William E. Peterson; Nancy Z. McGrath	Caralena Christina Peterson
Steven David Peterson Intervivos Trust	William E. Peterson; Nancy Z. McGrath	Steven David Peterson
Thomas Dunham Peterson Intervivos Trust	William E. Peterson; Nancy Z. McGrath	Thomas Dunham Peterson
Luke Dennis Peterson Intervivos Trust	Steven B. Peterson; Nancy Z. McGrath	Luke Dennis Peterson
Rita Mary Peterson Intervivos Trust	Steven B. Peterson; Nancy Z. McGrath	Rita Mary Peterson

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(10)Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Benjamin C. Ackerly	Brian M. Buroker	Maya M. Eckstein
Robert A. Acosta-Lewis	Ferdinand Calice	Robert H. Edwards, Jr.
Richard L. Adams	Matthew J. Calvert	W. Jeffery Edwards
Jennifer A. Albert	Christopher C. Campbell	Whitney C. Ellerman
Virginia S. Albrecht	Daniel M. Campbell	L. Neal Ellis, Jr.
Kenneth J. Alcott	Curtis G. Carlson	Edward W. Elmore, Jr.
Joseph B. Alexander, Jr.	Grady K. Carlson	Frank E. Emory, Jr.
Fernando C. Alonso	Jean Gordon Carter	Juan C. Enjamio
Thomas E. Anderson	Charles D. Case	John D. Epps
Walter J. Andrews	Thomas J. Cawley	Patricia K. Epps
W. Christopher Arbery	James N. Christman	Kelly L. Faglioni
Charles G. Ashton	Whittington W. Clement	Susan S. Failla
L. S. Austin	R. Noel Clinard	James E. Farnham
Ian Phillip Band	W. S. Cockerham	Mark James Fennessy
Jeffery R. Banish	Herve' Cogels	Norman W. Fichthorn
A. Neal Barkus	Myron D. Cohen	Andrea Bear Field
Haywood A. Barnes	Cassandra C. Collins	Robert M. Fillmore
Jeffrey P. Bast	Stacy M. Colvin	Edward S. Finley, Jr.
Philip M. Battles, III	Joseph P. Congleton	Kevin J. Finto
John J. Beardsworth, Jr.	Terence G. Connor	William M. Flynn
Kenneth D. Bell	William S. Cooper, III	Lauren E. Freeman
Stephen Bennett	Cameron N. Cosby	Ira L. Freilicher
Lucas Bergkamp	T. Thomas Cottingham, III	David R. Fricke
Lon A. Berk	Ted C. Craig	Edward J. Fuhr
Mark B. Bierbower	Cyane B. Crump	Douglas M. Garrou
Jo Ann Biggs	Ian Cuillerier	Richard D. Gary
Stephen R. Blacklocks	Sean B. Cunningham	Manning Gasch, Jr.
William S. Boyd	William D. Dannelly	Andrew A. Gerber
Lawrence J. Bracken, II	Samuel A. Danon	Shahid Ghauri
James P. Bradley	Barry R. Davidson	Neil K. Gilman
David F. Brandley, Jr.	Douglas W. Davis	C. Christopher Giragosian
Lisa R. Brant	John Deacon	Timothy S. Goettel
Craig A. Bromby	Stephen P. Demm	Peter G. Golden
A. Todd Brown	Patrick A. Doody	Allen C. Goolsby
Tyler P. Brown	Dee Ann Dorsey	L. Raul Grable
F. William Brownell	Edward L. Douma	Douglas S. Granger
Kevin J. Buckley	Sean P. Ducharme	Edward J. Grass
Nadia Burgard	Deidre G. Duncan	J. William Gray, Jr.
Eric R. Burner	Mark S. Dray	Robert J. Grey, Jr.
Kristy A. Niehaus Bulleit	L. Traywick Duffie	Greta T. Griffith
Joseph B. Buonanno	Frederick R. Eames	Jeffrey W. Gutchess

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(10)Hunton & Williams LLP (Continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)Miles B. Haberer
Virginia H. Hackney
Robert J. Hahn
John F. Haley
Ronald M. Hanson
Richard L. Harden
Ray V. Hartwell, III
James A. Harvey
Robert W. Hawkins
Timothy G. Hayes
Mark S. Hedberg
Douglas J. Heffner
Matthew C. Henry
Scott Hershman
George H. Hettrick
Louanna O. Heuhsen
David A. Higbee
Thomas Y. Hiner
D. Bruce Hoffman
Robert E. Hogfoss
John E. Holloway
John M. Holloway, III
George C. Howell, III
Robert H. Huey
Thomas M. Hughes
Donald P. Irwin
Judith H. Itkin
Makram B. Jaber
Paul E. Janaskie
Lori M. Jarvis
Matthew D. Jenkins
Harry M. Johnson, III
James A. Jones, III
Laura E. Jones
Dan J. Jordanger
Leslie O. Juan
Thomas R. Julin
E. Peter Kane
Thomas F. Kaufman
Peter Kavanagh
Joseph C. KearfottDouglas W. Kenyon
Michael C. Kerrigan
Marie Kidwell
Sylvia K. Kochler
Edward B. Koehler
John T. Konther
Dana S. Kull
Christopher Kuner
David Craig Landin
Christine E. Larkin
David C. Lashway
Andrew W. Lawrence
Wood W. Lay
Daniel M. LeBey
David O. Ledbetter
Ronald J. Lieberman
Thomas F. Lillard
Catherine D. Little
Gregory G. Little
David C. Lonergan
Nash E. Long, III
Audrey C. Louison
Carlos E. Loumiet
David S. Lowman, Jr.
John A. Lucas
Martin T. Lutz
Timothy A. Mack
Tyler Maddry
Kimberly M. Magee
C. King Mallory, III
Thomas J. Manley
Alan J. Marcuis
Fernando Margarit
Michael F. Marino, III
Jeffrey N. Martin
John S. Martin
J. Michael Martinez de Andino
Walfredo J. Martinez
Christopher M. Mason
Michael P. Massad, Jr.
Scott H. MathesonLaurie U. Mathews
Richard E. May
John Gary Maynard, III
William H. McBride
Patrick J. McCormick, III
Francis A. McDermott
Alexander G. McGeoch
John C. McGranahan, Jr.
David T. McIndoe
James E. Meadows
Mark W. Menezes
Gary C. Messplay
James Forrest Miller
Thomas McN. Millhiser
John E. Moeller
Jack A. Molenkamp
Charles R. Monroe, Jr.
Royce W. Montgomery
T. Justin Moore, III
Thurston R. Moore
Bruce W. Moorhead, Jr.
Robert J. Morrow
Ann Marie Mortimer
Robert J. Muething
Eric J. Murdock
Frank J. Murphy, Jr.
J. Andrew Murphy
Ted J. Murphy
Thomas P. Murphy
David A. Mustone
James P. Naughton
Michael Nedzbala
Henry V. Nickel
Lonnie D. Nunley, III
E. A. Nye, Jr.
Dan L. O'Korn
John D. O'Neill, Jr.
Brian V. Otero
Randall S. Parks
Peter S. Partee
R. Hewitt Pate(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)DATE: December 7, 2006

(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023

(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(10)Hunton & Williams LLP (Continued)
 1751 Pinnacle Drive, Suite 1700
 McLean, VA 22102

(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Swati Patel	Arthur E. Schmalz	Paul Tetlow
William S. Patterson	John R. Schneider	John Charles Thomas
Humberto R. Peña	Stephen T. Schreiner	Martin Thomas
B. Donovan Picard	Robert M. Schulman	Gary E. Thompson
R. Dean Pope	Melvin S. Schulze	Paul M. Thompson
Laurence H. Posorske	Patricia M. Schwarzschild	B. Cary Tolley, III
Kurtis A. Powell	Thomas J. Scott, Jr.	Timothy J. Toohey
Lewis F. Powell, III	P. Watson Seaman	Randolph F. Totten
Wesley R. Powell	James S. Seevers, Jr.	Bridget C. Treacy
Donna M. Praiss	Douglass P. Selby	Thomas B. Trimble
J. Waverly Pulley, III	James W. Shea	Estelle J. Tsevdos
Robert T. Quackenboss	Michael R. Shebelskie	Melvin E. Tull, III
Arnold H. Quint	Rita A. Sheffey	Julie I. Ungerman
William M. Ragland, Jr.	James E. Shepherd	Surasak Vajazit
Gordon F. Rainey, Jr.	William P. Silverman	Steven C. Valerio
John Jay Range	Edmund Sim	Travis E. Vanderpool
Stuart A. Raphael	Jo Anne E. Sirgado	Mark C. Van Deusen
Craig V. Rasile	Thomas G. Slater, Jr.	C. Porter Vaughan, III
John M. Ratino	B. Darrell Smelcer	Enid L. Veron
Robert S. Rausch	Brooks M. Smith	Linda L. Walsh
Keila D. Ravelo	Caryl Greenberg Smith	William A. Walsh, Jr.
Belynda B. Reck	John R. Smith	Mark R. Wasem
Baker R. Rector	Steven P. Solow	Abigail C. Watts-FitzGerald
Shawn P. Regan	Lisa J. Sotto	David B. Weisblat
Sona Rewari	Joseph C. Stanko, Jr.	Mark G. Weisshaar
Thomas A. Rice	Marty Steinberg	Hill B. Wellford, Jr.
William M. Richardson	Catherine B. Stevens	David E. Wells
James M. Rinaca	Gregory N. Stillman	G. Thomas West, Jr.
Jennings G. Ritter, II	Franklin H. Stone	Stephen F. White
Kathy E. B. Robb	C. Randolph Sullivan	Jerry E. Whitson
Gregory B. Robertson	Chanmanu Sumawong	Paul O. Wickes
Scott L. Robertson	R. Michael Sweeney	Amy McDaniel Williams
Robert M. Rolfe	Madeleine M. Tan	Gerry L. Williams
Michael Rosenthal	Andrew J. Tapscott	Matthew Williams
William L. S. Rowe	Robert M. Tata	Robert K. Wise
Marguerite R. Ruby	Rodger L. Tate	John W. Woods, Jr.
D. Alan Rudlin	W. Lake Taylor, Jr.	David C. Wright
Mary Nash Rusher	Wendell L. Taylor	David M. Young
Vance E. Salter	Michael L. Teague	William F. Young
Karen M. Sanzaro	Daniel C. Tepstein	Dennis L. Zakas
Stephen M. Sayers	Robin Lyn Teskin	Andrew D. Zaron

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: December 1, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(10)Hunton & Williams LLP (Continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Lee B. Zeugin

FORMER PARTNERS CONTINUED:

FORMER PARTNERS:

Stanislaus Aksman
 Neil D. Anderson
 W. Tinley Anderson, III
 John B. Ashton
 Gerald L. Baliles
 R. Mason Bayler, Jr.
 Coburn R. Beck
 Jerry B. Blackstock
 Russell S. Bogue, III
 William S. Bradley
 Arthur D. Brannan
 Emerson V. Briggs
 Christopher G. Browning, Jr.
 David M. Carter
 Jennifer Hinkebein Culotta
 Maria T. Currier
 Joe A. Davis
 Brian Dethrow
 Richard N. Drake
 Mark S. Dray
 Bradley R. Duncan
 Kevin T. Duncan
 Lathan M. Ewers, Jr.
 Kevin L. Fast
 Howard V. Fisher
 David F. Geneson
 Frederick Graefe
 Mark E. Grantham
 Patti L. Grant-Wilkinson
 Anne Gordon Greever
 John Owen Gwathmey
 Alberto M. Hernandez
 Frank A. Hirsch, Jr.
 Scott M. Hobby
 Stuart K. Hoffman
 Charles F. Hollis
 Derek C. Johnston
 Daniel O. Kennedy

Angela A. Kennerly
 Elizabeth A. Lalik
 Michael J. Lockerby
 Kelly D. Ludwig
 Harrison D. Maas
 Robert C. MacDonald
 M. Kelly Malone
 Jonathan R. Marsh
 Enrique J. Martin
 Gerald P. McCartin
 Jack E. McClard
 J. Burke McCormick
 Matthew P. McGuire
 John W. McReynolds
 David I. Meyers
 John Miles
 John B. Miller, Jr.
 William A. Moore
 Elizabeth Ann Morgan
 Edmond P. Murphy
 Jerry C. Newsome
 Anna G. Oestereich
 John P. Pinkerton
 David P. Poole
 Thomas W. Pounds
 Virginia W. Powell
 Roberto R. Pupo
 Scott M. Ratchick
 Pauline A. Schneider
 Carolyn E. Shellman
 Turner T. Smith, Jr.
 Guy T. Tripp, III
 C. L. Wagner, Jr.
 Robert J. Ward
 Harry J. Warthen, III
 Milby A. West
 Peter H. White
 Laura L. Whiting
 Robert A. Wooldridge
 Leslie B. Zacks

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

for Application No. (s): SE 2003-SU-023
(enter County-assigned application number(s))

=====

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE*

*A portion of the subject property, the Barnsfield Road right-of-way, is owned by the Board of Supervisors as an entity; however, no individual member of the Board of Supervisors has any personal ownership or financial interest in this land.

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

December 21, 2006

SULLY EAST L.C.
"DULLES DISCOVERY SOUTH," RZ 2003-SU-035
STATEMENT OF JUSTIFICATION

Sully East L.C. (the "Applicant") requests approval to rezone approximately 77.74 acres (the "Property") consisting of Tax Map Parcels 34-2-((1)) 1A, 2, 3A, 10A, 27, 33 (part), and 35, which currently are zoned to the I-3, I-5, AN, WS and HD (part) Districts, to the PDH-16 (approximately 64.20 acres), PDC (approximately 13.54 acres), AN, WS and HD Districts to allow active-adult, mixed-use residential and neighborhood commercial development under a single development plan. The "Dulles Discovery South" mixed use development will provide much more compatible land uses adjacent to the Sully Historic Site than the existing industrial zoning districts allow. Special Exception Application SE-SU-023 is being heard concurrently with this rezoning to request an increase in multi-family residential building height for that portion of the site within the Sully Historic Overlay District "SHOD").

The Property is located on the north and south sides of Barnsfield Road, between Centreville Road and Sully Road, on the south side of Air and Space Museum Parkway, and is immediately adjacent to the east of the Route 28/"Air and Space" interchange. The Property is located partially within the Sully Historic Overlay District and the Route 28 Tax District.

Undeveloped land to the north is zoned to the I-5 District, subject to proffers, and currently under site plan review and construction for development of the "Dulles Discovery" office campus. To the east, lies I-5-zoned land; further east across Centreville Road, are the Franklin Farm residential community, and Franklin Middle School. Land located south of the Property is zoned primarily I-5 and I-6, with a small portion zoned I-3. Immediately adjacent on the south is I-5 property on which Saint Veronica Catholic Church and School are built. To the southwest and west, respectively, lie the Sully Historic Site, which is zoned R-1, and an intervening I-3 parcel known as the "Stout Parcel". Route 28, the Route 28/"Air and Space Museum Parkway" interchange, the Air and Space Museum and Dulles Airport lie west of the Property. This interchange was built to provide direct tourist access to the "Air and Space Museum," and will provide new access to the Sully Historic Site, which always has been programmed to lose its direct access onto Route 28, a limited access highway.

On the Conceptual and Final Development Plan (CDP/FDP), a mixture of age-restricted, multi-family and single-family attached residential uses are shown on the approximately 64 acres proposed to be rezoned from industrial to the PDH-16 District. The proposed 1,001 dwelling units will be at a maximum density of 15.6 dwelling units per acre and restricted solely to occupancy by adults over 55 years of age. Of this total, the Applicant requests approval for up to 129 single family attached "villas," 752 market rate multi-family dwellings, and up to 120 senior rental apartments. The rental apartments will be located within a single "independent living facility" building located in the southeastern corner of the site and will include all of the required Affordable Dwelling Units ("ADUs") and workforce housing (if any) associated with this PDH-16 development.

Application No.(s): SE 2003-SU-023

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 7, 2006
(enter date affidavit is notarized)

80367c

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

Milton V. Peterson has contributed in excess of \$100.00 to Supervisor DuBois, to Supervisor Frey, and to Supervisor Connolly.
Jon M. Peterson has contributed in excess of \$100.00 to Supervisor Frey and to Supervisor Connolly.
Thomas D. Rust has contributed \$100.00 to Supervisor Frey.

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

Jeffrey H. Saxe, Agent for Applicant
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 7th day of December 2006, in the State/Comm. of Virginia, County/City of Fairfax.

Beth A. Bennett
Notary Public

My commission expires: 6/30/07

An additional 13.5 acres of the Property is proposed for rezoning from industrial to the PDC District for a maximum of 147,000 gross square feet at a maximum 0.25 floor area ratio ("FAR"). The PDC portion of the development is proposed for neighborhood-level retail and office uses, with a hotel and restaurant shown east of the Historic Sully Way/Air & Space Museum Parkway intersection to serve both community residents and visitors to the Air and Space Museum. Within the proposed PDC District, only the small office building is located within the Sully Historic Overlay District and, therefore, will not exceed 35 feet in height.

The Property is located within "Land Unit D-4" of the "Dulles Suburban Center Plan." The adopted Comprehensive Plan recommendations for this Property was approved by the Board of Supervisors (the "Board") on May 1, 2006. The Plan text includes a specific option for senior multi-family and single-family attached residential uses, including a small commercial component as depicted on the proposed CDP/FDP, and recommends certain conditions which have been satisfied in this proposal. Major proffers include a commitment by the Applicant to acquire and dedicate the industrially-zoned "Stout Parcel", or pay the condemnation costs, for County park purposes.

In 2004, the Board approved a Zoning Ordinance Amendment to allow, if certain conditions are satisfied, multi-family and single-family attached residential uses within the Sully Historic Overlay District, and an increase in building height up to sixty feet (sixty-five "actual" feet) subject to Special Exception approval by the Board. Concurrent Special Exception Application SE 2003-SU-023 requests Board approval of an increase in height for all or part of eight multi-family buildings located within the portion of the PDH-16 application area which fall within the outermost 500 feet of the Sully Historic Overlay District, pursuant to Paragraph 1 of Section A1-305 and Paragraph 4 of Section 9-607 of the Zoning Ordinance. At meetings on October 12, 2006 and November 9, 2006, the Architectural Review Board ("ARB") voted to unanimously recommend approval of both the CDP/FDP and SE Plat for compliance with Article 7 requirements and for an increase in building height for those areas within the Sully Historic Overlay District ("SHOD"). After detailed review of the development plans and SE Plat, the ARB concluded that the four-story, sixty-foot high multi-family residential buildings are compatible with and will not have a detrimental impact on Sully. All plans and elevations recommended for approval by the ARB have been incorporated into the CDP/FDP and SE Plat. The Applicant is required to return to the ARB for review of the site plan and again for approval of building permits and sign permits.

This application complies with the "General Standards" and "Design Standards" in Section 16-100 of the Zoning Ordinance. The development proposal conforms with the Plan recommendations, provides the highest quality of development in a lay-out which protects scenic assets (the Sully Historic Site) and does not injure nor hinder development on adjacent industrial, institutional and residential properties. Secondary uses proposed within the PDH-16 development will serve primarily the needs of the residents. This application also complies with the P-District "Use Limitations," which state that the "Additional Standards" in Article 8 and 9 "shall be used as a guide" (Paragraph 3 of Section 6-106) in evaluating "Secondary Uses" listed on the final development plan.

As requested by staff for the 120-unit rental building, the following analyzes the "Additional Standards for Independent Living Facilities" set forth in Section 9-306 of the Zoning Ordinance.

Because this independent living facility is not being requested as a Special Exception, several of standards, such as the "multiplier" provision, are not relevant:

1. The Applicant has committed in the proffers that the independent living rental units shall be restricted to individuals 62 years of age or older (or one member of a couple).
2. This independent living facility has been designed to satisfactorily take into account the needs of elderly persons for transportation, shopping, health, recreation and other similar facilities.
3. This rental building will be compatible with the surrounding neighborhood, which also will serve senior, active-adult residents. An extensive amount of passive recreational opportunities have been designed through-out the site for all residents, including parks, plazas and a lake. The proposed independent living building has been designed to be integrated with the larger planned community and set back 75 feet from Centreville Road. The proposed facility would adjoin institutional uses, "Franklin Middle School" to the east and St. Veronica's Church and School to the south.
4. The tabulations are complete and clearly indicate this is a 120-unit rental, "independent living facility."
5. The proposed rental facility is part of the larger planned community and has been sited at the corner of Turley Hall Drive and Centreville Road, with vehicular access solely via the new collector street, Turley Hall Drive, rather than directly onto Centreville Road.
6. Standard #6 is not applicable to this FDP. The multiplier is not applicable because the Comprehensive Plan Amendment option recommendation was written specifically for this development plan. The Plan language specifically states that between 10 to 12 percent of units throughout the entire development should be affordable. The only "independent living" units within the PDH-16 development will be the proposed 120 apartments, which will serve a large unmet demand for less expensive senior rental housing in the western part of the County.
7. These rental apartments will not include assisted living or skilled nursing facilities.
8. All facilities in this building will be solely for the use of residents, employees and invited guests.
9. This Applicant is requesting a height increase above 50 feet up to a maximum of 60 feet, which has been recommended for approval by the Architectural Review Board. This height is comparable to adjacent multi-family buildings in the planned community and appropriate for a site which fronts on a major highway and adjoins a large middle school and church/school building.
10. This standard is not applicable because the independent living building will adjoin land developed with institutional uses, as described above.

11. The building is setback 75 feet from the Centreville Road right-of-way line and, within this setback, the required transitional screening yard is being provided.

A draft proffer statement dated November 22, 2006 has been submitted under separate cover. Proffer commitments include: acquisition of, or paying condemnation costs for, the "Stout Parcel;" a significant off-site contribution for improvements at Sully; provision of extensive, high quality passive and active recreation improvements far in excess of "P" District requirements; commitment to construct a senior rental apartment building; provision of a residential "Transportation Demand Management ("TDM") Program, including \$80,000 worth of bus shelters; and commitment to detailed architectural elevations for all building types which have been approved by the ARB. In addition, there are several major road improvements associated with the proposed development. They include the dedication of right-of-way and construction of Turley Hall Drive, Beale Drive and of those unimproved portions of the proposed Air and Space Museum Parkway that abut the proposed rezoning; provision of multiple traffic signals; dedication of right-of-way for the widening of Centreville Road, and construction of turn lanes at the Centreville Road/Turley Hall Drive intersection.

The Applicant requests approval of the following waivers and modifications:

1. Waiver of the 600-foot maximum length of private streets pursuant to Section 11-302 of the Zoning Ordinance in favor of private streets shown on the CDP/FDP;
2. Modification of the loading space requirement for multi-family residential uses pursuant to Section 11-200 of the Zoning Ordinance due to the nature and layout of said uses;
3. Modification of the barrier requirement along the Centreville Road frontage of the Property, pursuant to Paragraph 3 of Section 13-304 of the Zoning Ordinance, to the three to six foot high, undulating, landscaped berm shown on the CDP/FDP;
4. Modification of the transitional screening requirements between PDH-16 and PDC uses within this single development plan, pursuant to Paragraph 1 of Section 13-304 of the Zoning Ordinance, to the detailed landscape treatments shown on the CDP/FDP; and
5. Modification of the 25-foot transitional screening yard requirement along the southern property line adjoining multi-family land bays to that shown on detailed landscape treatments on the CDP/FDP.
6. Modification of the privacy yard fencing requirement for single family villas as depicted on "Detail 5" as presented on Sheet 6 of the CDP/FDP.
7. Modification of PFM requirements to allow a wet pond within a residential community. The Applicant believes this request is justified based upon the following: (i) residents of this planned community will be restricted to elderly adults; (ii) the pond has been designed as an attractive, major amenity for the community; (iii) the pond provides an appropriate land use transition for visitors traveling along the new entrance road into the Sully Historic Site; and (iv) the pond is located in the northwest corner of the site and thus is removed from most of the units. Please see the attached letter from Mr. Ibrahim of DPWES dated December 5, 2006, stating that "it appears that these [swm pond] modifications would be favorably considered..."

This proposed development of the Property represents a major consolidation of parcels and transformation of industrial uses into a high quality, unified, active adult planned community. The rezoning application, for both the PDH-16 and PDC Districts, conforms to all current applicable development ordinances, regulations and adopted standards, except in specific instances where modifications or waivers have been requested as set forth above and on the CDP/FDP. This senior active-adult community, as proposed, conforms with the recommendations of the Comprehensive Plan, complies with Zoning Ordinance requirements, including all PDH-16 and PDC District regulations, and conforms to the Sully Overly District Design Guidelines, which are not being respected by the current industrial uses.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Francis A. McDermott", written over a horizontal line.

Francis A. McDermott

RECEIVED
Department of Planning & Zoning
JUL 17 2006
Zoning Evaluation Division

July 14, 2006

**DULLES DISCOVERY
APPLICANT'S STATEMENT
AMENDED SPECIAL EXCEPTION SE 2003-SU-023**

In accordance with Sections 9-607 and A1-305 of the Zoning Ordinance, the Applicant requests Board of Supervisors' approval to increase the height of multi-family residential buildings located within 500 feet of the Sully Historic Overlay District ("HCOD") perimeter boundary from 35 feet to up to 60 feet, with a maximum actual height of 65 feet from finished grade to the top of any roof-top structure. This application is made pursuant to Zoning Ordinance Amendment ZO-04-367, which was adopted by the Board of Supervisors on July 26, 2004 for the Sully Historic Overlay District and the Comprehensive Plan Amendment #2003-29, which the Board adopted on May 1 2006. The following "Applicant's Statement" is filed pursuant to Paragraph 7 of Section 9-011 of the Zoning Ordinance.

A. Type of Operation

All or a portion of seven multi-family buildings are proposed to be built within the northern, outermost edge of the Sully Historic District, at least 2,000 feet from the Sully historic site, and to exceed 35 feet in height. This approximately 21.75-acre Special Exception ("SE") application area is part of the 64-acre "Dulles Discovery South" planned residential community, which is the subject of concurrent rezoning application RZ 2003-SU-035 to rezone the land from "Industrial" to the Planned Development Housing ("PDH-16" District (also zoned HC, and WS) at 15.4 dwelling units per acre. This SE application boundary has been expanded to include entire buildings in the three instances where only a portion of the building fell within the HCOD area and thus required SE approval.

The residential portion of "Dulles Discovery South" is envisioned as an "active-adult" community designed to serve the large, unmet demand for senior independent living in Fairfax County. The average age for initial residents in this type of community is 62 years old. Extensive information on design details of buildings and open space areas are presented separately on the Conceptual and Final Development Plan (CDP/FDP) filed in the concurrent rezoning application.

The large, elevator multi-family building proposed to be located south of Turley Hall Drive would be up to 60 feet, or five stories, in height with a flat roof and would surround an interior above-grade parking garage of the same height. The adjacent multi-family building is requested to be four stories in height and would provide affordable, rental units to senior adults with limited income. Both these buildings in the southeast corner of the site, adjoin two large, institutional land uses, St. Veronica's Catholic Church and School and Franklin Middle School.

The four and one-half multifamily buildings proposed to be located within the Sully Historic Overlay District, north of Turley Hall Drive and east of Beale Drive, would be up to 65 feet, or four stories, in height with a gable roof. These multi-family would be high-end, elevator condominium buildings oriented around a central community park, which is described in detail on the CDP/FDP.



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

DEC 5 2006

Michael J. Gallagher, P.E.
Urban Engineering, Ltd.
7712 Little River Turnpike
Annandale, Virginia 22003

Subject: Dulles Discovery, Tax Map # 024-2-01-0001, 034-2-01-0013, 0035, and 034-3-01-0021, Sully District

Reference: Public Facilities Manual Modification (PFM) Request #9751-WPFM-003-1

Dear Mr. Gallagher:

This is in response to your request for a modification of Sections 6-0301.4 & 6-1604.10 of the PFM, to allow the use of wet pond in residential areas and the permanent pool elevation to be drained by pumping for maintenance purposes. This project is currently in the rezoning process, and it would be premature for this office to take a final action on your waiver request. However, after a preliminary review and based on the information provided in your letter, it appears that these modifications would be favorably considered under the conditions that the pond should be privately owned and maintained and detailed maintenance specifications shall be provided as part of the submitted plans.

If further assistance is desired, please contact me at 703-324-1720.

Sincerely,

Yosif Ibrahim
Chief Stormwater Engineer
Site Review West

YI/tg

cc: Steve Aitcheson, Director, Stormwater Planning Division, DPWES
Scott St. Clair, Director, Maintenance and Stormwater Management Division, DPWES
Mirza Baig, Chief Site Review Engineer, Site Review West, ESRD, DPWES
Qayyum Khan, Chief Stormwater Engineer, Site Review West, ESRD, DPWES
Waiver File

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 703-324-1877 • FAX 703-324-8359



B. Hours of Operation

Not applicable to residential use.

C. Estimated Number of Residents

It is estimated that approximately ____ senior adults would occupy the multi-family buildings included in the Special Exception application boundary.

D. Proposed Number of Employees

It is anticipated that these residential communities would have up to 20 employees, most of whom would be part-time and associated with service and maintenance functions of the community.

E. Estimate of traffic impact of the proposed use

See traffic impact analysis prepared by Patton Harris Rust & Associates, as revised, which has been submitted in conjunction with pending RZ 2003-SU-035. This study is being updated in response to Office of Transportation and VDOT comments.

F. Vicinity or general area to be served

These multi-family buildings are proposed as part of a larger, planned community for "active adults," which would serve the large, unmet demand for senior living in Northern Virginia. It is anticipated that many residents of this community would relocate from Fairfax County communities, as well persons relocating from outside the area in order to live closer to family members. As depicted on the vicinity map included on the special exception plat, the proposed use is far-removed from the Sully historic site.

G. Description of Building Façade and Architecture

Sheet L-04 of the SE Plat contains two line of sight diagrams showing the relationship of the proposed buildings to the Sully historic site. Consistent with the character of the Sully Historic District, the multi-family buildings would be constructed in a traditional architectural design, with articulated facades and roof-lines to increase the visual interest of the buildings and to reduce their mass and scale. Detailed architectural elevations have been submitted on the CDP/FDP filed in pending RZ 2003-SU-035.


H. Listing, if known, of all hazardous or toxic substances

None know at this time.

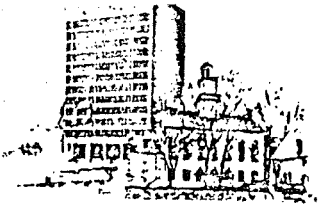
I. Statement of Conformance with Applicable Ordinances, Regulations and Standards

This application complies with the "Sully Historic Overlay District" requirements in Appendix 1 Part 3 of the Zoning Ordinance and with the "Provisions for Approving an Increase in Building Height" in Section 9-607 of the Zoning Ordinance. Specifically, it is in harmony with the policies of the adopted Comprehensive Plan and the regulations of the Zoning Ordinance, which mandate protection of the Sully historic site from encroachment by the adjacent, industrially-zoned parcels. The proposed height increase will not be detrimental to the character and development of adjacent properties. Given their location at the outermost edge of the Historic Overlay District, these multi-family buildings will not be at all visible from the Sully historic site. The Applicant has performed both "balloon" and "crane" tests up to 70 feet to demonstrate that these buildings will pose no

impact to the historic site. The multi-family buildings have been sited internally to the "Dulles Discovery" development or adjoin institutional land uses, and land adjacent to the proposed "Dulles Discovery" would remain industrially zoned . Finally, in accordance with Paragraph 3 of Section 9-607, all remaining regulations of the PDH-16 Zoning District will be satisfied in this special exception application.



Elaine O. Cox
Planner Agent for Applicant



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

July 29, 1981

APPENDIX 6



1324 Paved & Paved

Mr. Richard S. Simmons
10010 Coach Road
Vienna, Virginia 22180

Re: Rezoning Application
Number RZ 81-C-007

Dear Mr. Simmons:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 20, 1981, granting, as proffered, Rezoning Application No. RZ 81-C-007 in the name of Richard S. and Mary Lois Simmons, to rezone certain land in Centreville District from R-1 District to I-5 District on subject parcels 34-2 ((1)) pt. 2 consisting of 4.13898 acres.

Very truly yours,

Ethel Wilcox Register
Clerk to the Board

EWR/mg

cc: Mr. Patteson
✓ Mr. Knowlton
Mr. Steele
Mr. Beales



34-2 01 0034

PROFFERS

Rezoning Application 78-C-024

The following proffers shall be construed to be binding on the property in accordance with the provisions of §15.1-491(a), Code of Virginia, should the property be rezoned to I-5.

1. Prior to submission of any site plan for development of the property, a generalized development plan shall be submitted for review by the Planning Commission and Board of Supervisors.

2. Uses within that portion of the site covered by the Sully Historic Overlay District will be limited to those uses permitted in the I-4 District. The Owner/Applicant recognizes that the provisions of Part 2 of Article 7 and Part 3 of Appendix 1 apply to this portion of the site and will be complied with.

3. The History Commission will be informed prior to demolition of Turley Hall so that provision may be made for their agents to have access to the property for salvage purposes, at their expense, if they desire. Should all or part of Turley Hall be sold, to be moved from the property, the History Commission shall have the right of first refusal to purchase same for removal from the property. This right shall be exercised within thirty (30) days of written notification of receipt of the offer or offers to purchase same by other parties.

4. The following transportation improvements will be provided:

Proffers - Reasoning Application 78-C-024
Page two

a. On Centreville Road

1. Dedication of right-of-way to 45 feet from centerline.
2. Construction of road widening with the face of curb set 35 feet from centerline.
3. Only one site entrance, accommodating an industrial access road.
4. A deceleration/right turn lane for the site entrance.

b. On Barnsfield Road

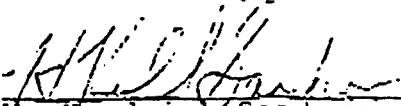
1. Dedication of right-of-way to 35 feet from centerline.
2. Construction of road widening with the face of curb set 24 feet from centerline.

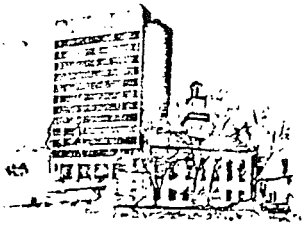
c. Industrial access roads providing connections between the Centreville Road entrance, the Barnsfield Road entrance(s) and the adjacent property to the southwest.

d. Construction of a trail along Centreville Road in accordance with the Countywide Trails Plan.

5. The owners/applicants recognize that the Public Facilities Manual and/or other Fairfax County Ordinances or regulations may be amended to provide for implementation of Section 208 of Public Law 92-500, Water Pollution Control Act of 1972 as amended, and agree that any such applicable amended ordinances or regulations which may be effective when site plans for the subject property are processed shall be complied with and shall, in case of conflict, supercede and take precedence over the proffered conditions enumerated above, providing nothing contained in this paragraph shall be interpreted to require applicant to concede legality of ordinances or policies in the event of contest.

Proffers - Rezoning Application 78-C-024
Page three

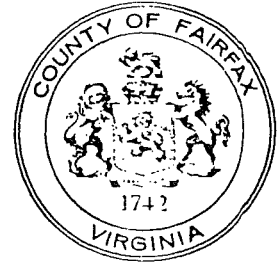
 11/23/78
H. Kendrick Sanders, Attorney in fact
for applicants and owners



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

July 29, 1981



Mr. H. Kendrick Sanders
10560 Main Street, Suite 313
Fairfax, Virginia 22030

Re: Rezoning Application
Number RZ 81-C-014

Dear Mr. Sanders:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 20, 1981, granting, as proffered, Rezoning Application Number RZ 81-C-014 in the name of Frank M. LeRoux, Trustee, to rezone certain land in Centreville District from R-1 District to I-5 District on subject parcels 34-2 ((1)) 1 consisting of 20.5505 acres.

Very truly yours,

Ethel Wilcox Register
Clerk to the Board

EWR/mg

cc: Mr. Patteson
Mr. Knowlton
✓ Mr. Steele
Mr. Beales

PROFFERS

Rezoning Application RZ 81-C-014

The following proffers shall be construed to be binding on the property in accordance with the provisions of §15.1-491(a), Code of Virginia, should the property be rezoned to I-5.

1. Prior to submission of any site plan for development of the property, a generalized development plan shall be submitted for review by the Planning Commission and Board of Supervisors.

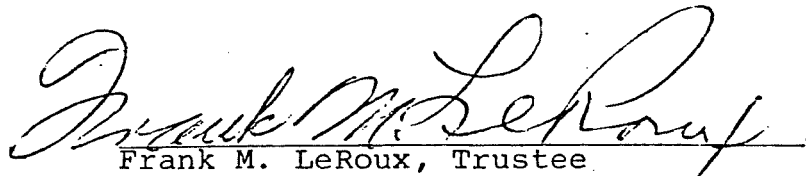
2. The following transportation improvements will be provided upon site development:

A. On Barnesfield Road:

1. Dedication of right-of-way to 35 feet from centerline.
2. Construction of road widening with the face of curb set 24 feet from centerline.
3. OR, because Barnesfield Road is a dead-end lesser dedication and/or construction which will achieve the goals of the Comprehensive Plan.

- B. A coordinated road system, including on-site collector roads, will be dedicated and constructed in conjunction with adjacent properties in furtherance of the goals of the Comprehensive Plan.

3. The owner/applicants recognize that the Public Facilities manual and/or other Fairfax County Ordinances or regulations may be amended to provide for implementation of Section 208 of Public Law 92-500, Water Pollution Control Act of 1972 as amended, and agree that any such applicable amended ordinances or regulations which may be effective when site plans for the subject property are processed shall be complied with and shall, in case of conflict, supercede and take precedence over the proffered conditions enumerated above, providing nothing contained in this paragraph shall be interpreted to require applicant to concede legality of ordinances or policies in the event of contest.


Frank M. LeRoux, Trustee

Date: July 17, 1981

R ZONING APPLICATION



Number: RZ 81-C-014

District: Centreville

Acreage: 20.5505

Section Sheet: 34-2

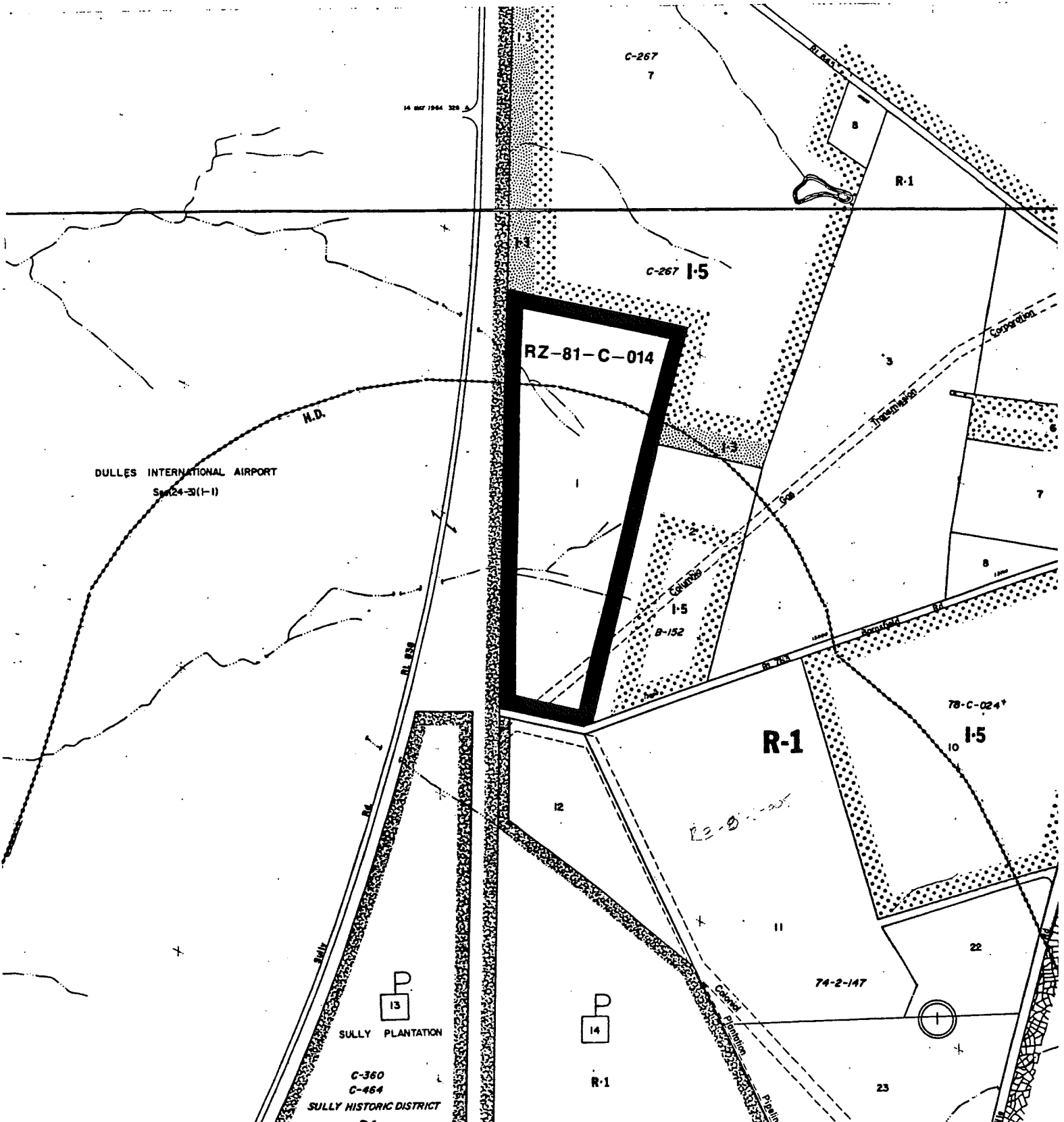
From: R-1

Subdivision: ((1))

To: I-5

Lot: 1

Applicant: Frank M. LaRoux, Trustee



PROFFERS

Rezoning Application RZ 81-C-007

The following proffers shall be construed to be binding on the property in accordance with the provisions of S15.1-491(a), Code of Virginia, should the property be rezoned to I-5.

1. Prior to submission of any site plan for development of the property, a generalized development plan shall be submitted for review by the Planning Commission and Board of Supervisors.

2. Uses within that portion of the site covered by the Sully Historic Overlay District will be limited to those uses permitted in the I-4 District. The Owner/Applicant recognizes that the provisions of Part 2 of Article 7 and Part 3 of Appendix 1 apply to this portion of the site and will be complied with.


3. The following transportation improvements will be provided upon site development:

(a) On Barnsfield Road:

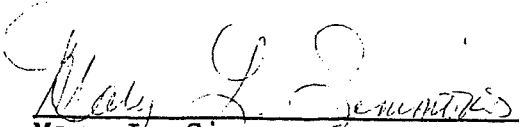
1. Dedication of right of way to 35 feet from centerline.
2. Construction of road widening with the face of curb set 24 feet from centerline.

(b) Industrial access roads providing connections between Barnsfield Road entrance and the adjacent property to the Northeast.

4. The owner/applicants recognize that the Public Facilities Manual and/or other Fairfax County Ordinances or regulations may be amended to provide for implementation of Section 208 of Public Law 92-500, Water Pollution Control Act of 1972 as amended, and agree that any such applicable amended ordinances or regulations which may be effective when site plans for the subject property are processed shall be complied with and shall, in case of conflict, supercede and take precedence over the proffered conditions enumerated above, providing nothing contained in this paragraph shall be interpreted to require applicant to concede legality of ordinances or policies in the event of contest.



Richard S. Simmons
Owner and Applicant



Mary L. Simmons
Owner and Applicant

PROFFERS

Rezoning Application RZ 81-C-008

The following proffers shall be construed to be binding on the property in accordance with the provisions of S15. 1-491(a), Code of Virginia, should the property be rezoned to I-5.

1. Prior to submission of any site plan for development of the property, a generalized development plan shall be submitted for review by the Planning Commission and Board of Supervisors.

2. Uses within that portion of the site covered by the Sully Historic Overlay District will be limited to those uses permitted in the I-4 District. The Owner/Applicant recognizes that the provisions of Part 2 of Article 7 and Part 3 of Appendix 1 apply to this portion of the site and will be complied with.

3. The following transportation improvements will be provided upon site development:

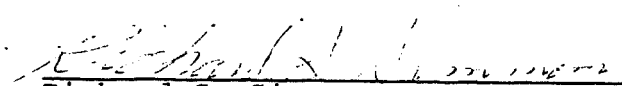
(a) On Barnsfield Road:

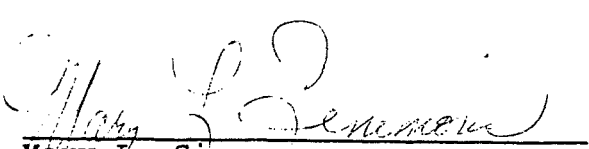
1. Dedication of right of way to 35 feet from centerline.
2. Construction of road widening with the face of curb set 24 feet from centerline.

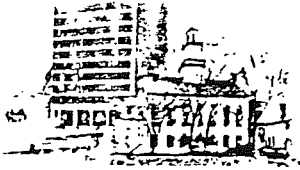
(b) Industrial access roads providing connections between Barnsfield Road entrance and the adjacent property to the Northeast.

Proffer - Rezoning Application RZ 81-C-008

4. The owner/applicants recognize that the Public Facilities manual and/or other Fairfax County Ordinances or regulations may be amended to provide for implementation of Section 208 of Public Law 92-500, Water Pollution Control Act of 1972 as amended, and agree that any such applicable amended ordinances or regulations which may be effective when site plans for the subject property are processed shall be complied with and shall, in case of conflict, supercede and take precedence over the proffered conditions enumerated above, providing nothing contained in this paragraph shall be interpreted to require applicant to concede legality of ordinances or policies in the event of contest.

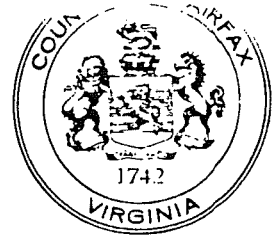

Richard S. Simmons
Owner and Applicant


Mary L. Simmons
Owner and Applicant



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030



July 9, 1982

Mr. Daniel R. McGarry
301 Park Avenue
Falls Church, Virginia 22046

Re: Rezoning Application
Number RZ-81-C-108
(See SE 82-C-004)

Dear Mr. McGarry

Enclosed you will find a copy of the Ordinance adopted by the Board of Supervisors at a regular meeting held on June 28, 1982, granting, as proffered, Rezoning Application RZ 81-C-108 in the name of Ira Cox and Virginia J. Cox, to rezone certain land in Centreville District from R-1 District to I-5 District (instead of the requested I-6 District) on subject parcels 34-2 ((1)) 3 A consisting of approximately 7.915 acres.

Very truly yours,

Ethel Wilcox Register
Clerk to the Board

EWR/mg

cc: Mr. Patteson
Mr. Knowlton
✓ Mr. Steele
Mr. Beales

June 21, 1982

Fairfax County Planning Commission
4100 Chain Bridge Road
Fairfax, Virginia 22030

Attention: Rich Reid, Staff Coordinator

Re: RZ 81-C-108

Dear Mr. Reid:


As the applicant for the above-referenced rezoning and special exception, I am submitting the following proffered conditions to resolve development issues identified by the Planning Commission staff:

1. The application for I-6 zoning is hereby abandoned. I request I-5 zoning for the entirety of the parcel.
2. Applicant will dedicate a sufficient portion of the subject property for widening of Barnesfield Road to comply with industrial road standards. Applicant will commence construction of said widening as development on subject property commences.
3. In the event chemical or petroleum products are stored on the premises, spill containment procedures will be implemented, including berming around storage areas, impermeable seals beneath the areas, on site straw bails or other suitable on site retention, or other suitable storage.
4. In the event parking lots are constructed on the subject property, vacuum parking lot sweeping will be implemented twice per week.
5. All proffered conditions herein submitted shall apply to the entire subject property. As

-2-

additional uses are proposed, additional proffered conditions will be submitted with the development plan for such proposed uses.

Sincerely,


Ira D. Cox

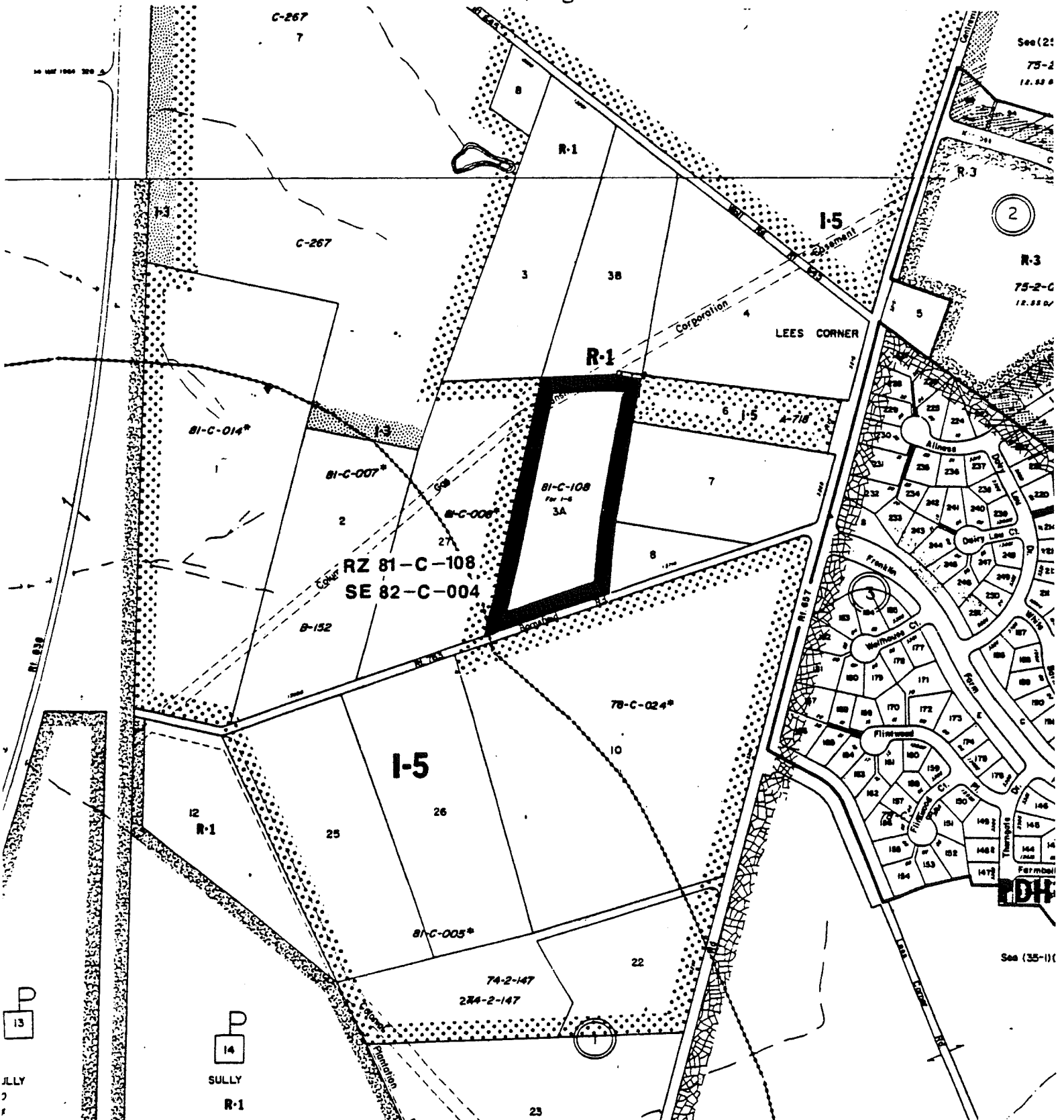
RE ZONING APPLICATION



Number: RZ 81-C-108
 SE 82-C-004
 Acreage: 7.915 Acres
 From: R-1
 To: I-6

District: Centreville
 Section Sheet: 34-2
 Subdivision: ((1))
 Lot: 3A

Applicant: Ira and Virginia Cox



13

JULY 2 1981

14
 SULLY
 R-1

FDH

See (35-11)



County of Fairfax, Virginia

MEMORANDUM

DATE: December 15, 2006

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PGN*
Environment and Development Review Branch, DPZ

SUBJECT: Comprehensive Plan Land Use Analysis: **RZ/FDP 2003-SU-035 Sully East
Dulles Discovery
SE 2003-SU-023 Dulles
Discovery**

The memorandum, prepared by Charlene Fuhrman-Schulz and John R. Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the above referenced application and Final Development Plan (FDP) dated June 15, 2006, as revised November 16, 2006 and Special Exception Plat (SE) dated July 14, 2004, as revised August 4, 2004, December 23, 2004, July 28, 2006 and September 15, 2006 with proffers dated August 21, 2006 as revised through November 16, 2006. The extent to which the proposed use, intensity and development plan are consistent with the land use guidance contained the Comprehensive Plan, is noted.

DESCRIPTION OF THE APPLICATION

The FDP application consists of approximately 77 acres located immediately east of Sully Road (Route 28), south of the Air and Space Parkway and west of Centreville Road (Route 657). The property consists of 7 parcels (34-2((1)) 1A, 2, 3A, 10A, 27, 33/part and 35). The majority of the property is zoned I-5 with Parcel 1A split zoned with I-3 and I-5 zoning. The acreage includes the Barnesfield Road right-of-way which is to be vacated/abandoned. Either a portion or all of Parcels 1A, 2, 10A, 27 and 35 are within the Sully Historic Overlay District (HD). In addition the property lies within the Water Supply Protection Overlay District (WS) and a portion of the property is within 500 feet of the Airport Noise Impact Overlay District (AN).

The application seeks to rezone approximately 64 acres to PDH-16 and approximately 13 acres to PDC. Under the PDH-16 rezoning, the application proposes 129 single family attached and 872 multifamily for a total of 1,001 units resulting in a density of 15.6 dwelling units per acre (du/ac). Also included are two clubhouse office structures for a total of 31,000 sq. ft. Parking required for this portion of the application is 1,540 spaces, parking provided is 1,839 spaces.

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/

Multifamily within the historic district are in 4 story structures with a 60 foot building height as defined by section 20-300 of the Zoning Ordinance and are at 65 feet as measured from the grade to top of any roof or rooftop structure. Buildings outside of the historic district are 6 stories or 75 feet.

For the PDC portion of the application, the request is for 147,450 sq. ft or .25 FAR comprised of 110 room hotel, 40,000 sq. ft. office and 360-seat restaurant. Required parking is 539 spaces, parking provided is 543 spaces. The hotel is 6 stories or 75 feet, the office and restaurant are 2 stories or 35 feet.

The Special Exception, on approximately 21.8 acres, seeks an increase in building height from 35 feet to 60 feet in accordance with sections 9-607 and A1-305 of the Fairfax County Zoning Ordinance for multifamily buildings and senior affordable apartments (independent living) located within 500 feet of the Sully Historic Overlay District perimeter boundary. Actual building height, from grade to top of roof or rooftop structure, does not exceed 65 feet as depicted on the SE plat. Other buildings are shown on the plat for informational purposes.

LOCATION AND CHARACTER

Land Unit D-4 consists of 157 acres on the east side Route 28, across from Washington Dulles International Airport and the interchange for the Air and Space Museum Annex. The main entrance to the Udvar-Hadzy Air and Space Museum is accessed from the interchange on Route 28 which also serves via Air and Space Museum Parkway. This land unit is bounded by Wall Road to the north, Centreville Road to the east, Sully Historic Site to the southwest and some industrial uses to the south. The land unit is currently largely vacant, with the exception of a church and related school, scattered industrial uses and self-storage facilities. The new interchange on Route 28 provides direct access to the land unit from this major arterial road.

Because the Sully Historic Site lies to the southwest of Land Unit D-4, this land unit is located in a portion of the Sully Historic Overlay District (see map). As regulated by the Zoning Ordinance, the part of the land unit that falls within the overlay district is subject to additional regulations relating to land use and building heights.

COMPREHENSIVE PLAN CITATIONS

Plan Map: Alternative Uses and Mixed Use

Plan Text: In the Fairfax County Comprehensive Plan, Area III Volume, 2003 Edition, Dulles Suburban Center, as amended through May 15, 2006, under the heading, Land Unit D-4, Recommendations, Land Use, beginning on page 80, the Plan states:

"Land Use . . .

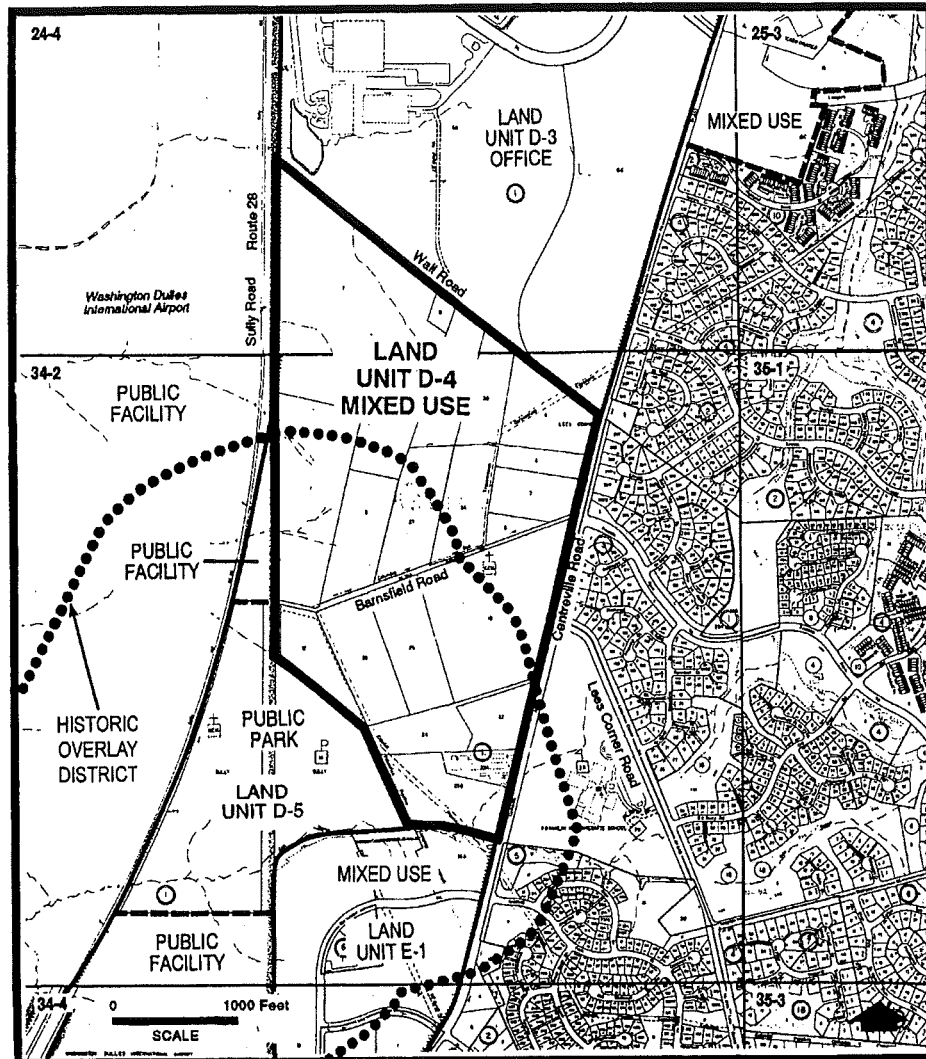
2. As regulated by the Zoning Ordinance provisions for the Sully historic district, the portion of this land unit located south and east of the extension of Air and Space Museum Parkway is planned for high-quality, campus-style office and high-quality industrial/flex uses up to .35 FAR as its base Plan recommendation. Retail uses and support services may be appropriate only as secondary or ancillary uses to the office and industrial/flex primary uses. These ancillary service uses should not exceed 20 percent of the primary uses and should be designed to serve the employees and residents of Land Unit D-4. These ancillary and retail uses should not constitute a retail shopping center.

As an alternative to this base Plan recommendation, Parcels 34-2((1))1A, 2, 3A, 6, 7, 8, 10A, 27 and 35, which total approximately 89.5 acres, may be appropriate for age-restricted residential use and limited commercial use, provided that consolidation, at a minimum, includes Parcels 34-2((1))1A, 2, 3A, 10A, 27 and 35. If Parcels 34-2((1))6, 7 and 8, however, are not part of this assemblage, these parcels are planned at the base plan level of office and industrial/flex use at .35 FAR. The residential portion of the development should encompass approximately 76 acres at a density up to 15 units per acre exclusive of ADU and bonus units. Commercial use consisting of retail, hotel and office use at an intensity up to .25 FAR may be appropriate on approximately 13.5 acres. For any development proposal under this alternative, the following conditions should be met:

- Residential use is limited to housing restricted to those 55 years and older. A mix of unit types should be provided. Between 10 to 12% of the total number of units should be affordable dwelling units. These units may be integrated throughout the development or as an elderly housing component located within a single building provided that the building is integrated within the development through the use of architecture and open space. Consideration may be given to the development of some of the affordable units as work force housing;
- Retail, office, and hotel uses that will serve residents, tourists, and employees in the area should be of high visual quality that complements the Sully Historic District and the new residential development and should be oriented to both Air and Space Museum Parkway and Sully Historic Way. This retail should not be configured in such a way as to constitute a regional or community shopping center, a regional mall or a "big box" retail center;
- Development should occur in a manner that minimizes impacts on existing residential neighborhoods along the east side of Centreville Road. Building heights and building mass should be reduced in this area. Fronts of units should be oriented to Centreville Road and landscaping and screening should be used to provide an attractive streetscape and enhance the appearance of any development along

Centreville Road. No retail sales or service uses should be located within 600 feet of Centreville Road;

- Transportation improvements should include the new entrance road to Sully Plantation and an internal roadway system that provides for the circuitous connection of Air and Space Museum Parkway with Centreville Road as called for in the Transportation section of this Plan;
- In instances where residential use under this option will be adjacent to areas zoned for industrial use, a minimum 50-foot wide landscaped buffer should be provided unless the property is committed to institutional, park and other more compatible use. In addition, disclosure regarding the proximity of these industrial properties should be provided;
- Amenities such as a community center, trails, recreation facilities, usable open spaces and other features should be provided to create a pedestrian friendly community with public open spaces such as plazas and parks provided throughout the development;
- Airport and roadway noise should be attenuated. Disclosure regarding the proximity to the Dulles Airport should be provided as set forth in the Policy Plan;
- Fences along Centreville Road, if any, shall be for decorative purposes only and should provide for views into the development;
- Low impact development techniques should be employed where feasible and stormwater management ponds or facilities should be designed to function as amenities through the use of landscaping and other features; and,
- Parcel 34-2((1))12 is dedicated to, or acquired for, the Fairfax County Park Authority to ensure protection of Sully Historic Site resources and preservation of the original plantation boundary line.”



**LAND UNIT D-4
LOCATION AND COMPREHENSIVE PLAN MAP DESIGNATION**

FIGURE 19

ANALYSIS

The Comprehensive Plan provides for an alternative to the base Plan, providing full consolidation of parcels 34-2((1)) 1A, 2, 3A, 6 - 8, 10A, 27 and 35. Under full consolidation, the alternative provided for development with age restricted residential use and limited commercial use on approximately 89.5 acres. The residential portion of the development should encompass approximately 76 acres and be developed at a density of 15 du/ac, exclusive of ADU and bonus units. The commercial portion of the development should consist of retail,

hotel and office at an intensity of .25 FAR on up to 13.5 acres. The Plan also provided for a minimum consolidation of Parcels 34-2((1)) 1A, 2, 3A, 10A, 27 and 35, which is approximately 77 acres. The residential component is to be limited to 55 years and older and between 10%-12% of the total number of units should be affordable dwelling units (ADUs).

The application seeks to rezone approximately 64 acres to PDH-16 and approximately 13 acres to PDC. Under the PDH-16 rezoning, the application proposes 129 single family attached and 872 multifamily for a total of 1,001 units resulting in a density of 15.6 dwelling units per acre (du/ac). The application identifies 115 units as independent living units, therefore the density without the ADUs is 13.8 du/ac. The application is in general conformance with the use and intensity guidance of the Comprehensive Plan and Proffers # 5 and # 6 address the age-restriction criteria and the phasing of the ADU units.

Issue: Consolidation/compatibility/inter-parcel access: The Plan text provides for consolidation of Parcels 6-8 as part of this development. In fact this is the preferred option since these parcels are zoned for industrial uses and without consolidation of these parcels there is a potential compatibility issue. Since these parcels have not been consolidated, the application needs to clearly demonstrate the transition between this development and the current use of these three parcels as well as any future use of the parcels. In addition to showing the landscaped buffer area, a cross section that shows what the residential view will be to the three parcels is desirable. While the current development plans note potential interparcel access independently to parcels 6, 7 and 8 this is not clearly reflected in the proffers. Proffer #22 only notes commitments for interparcel access to parcels 6 and 7. This omission should be corrected in the proffers. Currently Parcel 8 has access to Barnesfield Road. The proffer states that there will be no interparcel access to Parcels 7 and 8. Although Parcels 7 and 8 are under the same ownership, there is no guarantee that that will remain the case, thus forcing access to Centreville Road.

Issue: Transitional screening and landscaping: The plan addresses the need to screen and buffer existing residential neighborhoods along Centreville Road from the proposed development as well as screening and buffering the proposed development from existing industrial properties. The development depicts the area along Centreville Road with a low, undulating, landscaped berm. This area will contain a variety of evergreen and deciduous trees to be planted on the berm, which will not exceed 6-feet in height along Centreville Road. The single-family units in this area will be oriented with the front of the units to Centreville Road as recommended in the Plan.

The Plan also recommends a need to buffer the proposed development from industrial properties along Centreville Road. As noted in the Plan, the development plan depicts a 50-foot vegetated buffer area along the development boundary in this area. This buffer will also include an undulating berm, which will be planted as part of the buffer treatment.

Buffering is also provided to create adequate separation from residential and commercial uses proposed with this development. The northern portion of the development will include a hotel, office, restaurant and retail uses. It is envisioned that these uses will serve the proposed new

development as well as support services for tourism related to the Air and Space Museum, as well as providing a location for employment. The majority of the residential development will be separated from the commercial uses by proposed Historic Sully Way. Planting materials are noted on both sides of the roadway with the use of berms, shade trees, ornamental trees, small and large conifers as well as shrubs and ornamental grasses providing a mixed canopy on both sides of the roadway in a manner which should adequately screen the residential uses from the commercial portions of the proposed development.

Issue: Kite Property, parcel 12: The Plan text calls for the acquisition for or dedication to the Fairfax County Park Authority of parcel 12, which is located adjacent to the Sully Historic Site. According to the applicants, attempts to secure this property at reasonable market value have failed. While the proffers note the continuing possibility that the applicants will acquire this parcel this has not happened to date. As such, the applicants have agreed to an alternative approach which is generally supported by staff. The continued or future use of this parcel for industrial uses would be entirely incompatible with the surrounding uses. Much of the parcel is compromised by multiple easements which cross it making it difficult to develop under any circumstances. In order to ensure that the parcel is not developed for the industrial uses for which it is currently zoned the Fairfax County Park Authority will initiate condemnation proceedings concurrent with the site plan process for the proposed development of the adjacent parcels noted as part of this rezoning application. The applicants have agreed to absorb any costs incurred as a result of those proceedings. This will ensure that the property becomes part of the parks land holdings for the Sully Historic Site and will not be industrial development, which would be incompatible with the proposed residential uses.

Summary

The applicant's proposal to pursue an age-restricted development as recommended in the Plan option is generally consistent with the guidance noted in the Plan. The applicants have proposed commercial uses, including hotel, office, restaurant and retail, not to exceed a maximum FAR of 0.25, as recommended by the Plan. Retail, office and hotel uses are to be provided in the northern portion of the site as noted in the Plan in a manner which will serve the residents, employees and tourists in the area. These commercial uses are massed away from Centreville Road to reduce any impacts to the existing residential development. Transition and buffering has been provided along Centreville road to further reduce the impacts of the proposed development. Landscaped buffers are provided where residential and industrial uses share a common boundary. A variety of amenities are noted to serve the proposed community including several pools, trails, a community center, tennis courts, meeting rooms, bocci court, fitness room, as well as a number of open space areas with benches, picnic areas, trash receptacles and a gazebo. In accordance with the Comprehensive Plan guidance the applicants have made commitments to mitigate noise as noted in the proffers and disclose proximity to Dulles Airport. The applicants have made some commitment to utilize Low Impact Development (LID) techniques to improve water quality.

The Plan indicates that the applicants should acquire parcel 12 for dedication to the Fairfax County Park Authority, they were not able to accomplish this element of the Plan. As an alternative it was agreed that the applicants would cover any reasonable costs associated with the condemnation of this land area for the benefit of the Fairfax County Park Authority.

A large portion of the proposed development falls within the Historic Overlay District for the Sully Historic Site. As such, these portions of the proposed development will be subject to the recommendation of the Architectural Review Board (ARB). At the time of the writing of this report, the applicants had already completed a portion of this process with much of the proposed development receiving a favorable recommendation from the ARB. A portion of the site contained Turley Hall, a historic house. The applicants have agreed to document significant heritage resources associated with this residence. The applicants have completed a phase I archeological study of the property and committed to provide a historical marker near the location of the former home. The applicants have also committed to preserving two cemeteries located on the property.

The development plan depicts a system of trail connecting internal portions of the site, as well as providing access to Centreville Road and proposed access to the Sully Historic Site. The proposed trail system will also connect residential elements of the proposed development with the proposed commercial development as well as the Air and Space Museum Parkway.

While the Comprehensive Plan recommends that affordable dwelling units (ADU's) should account for 10-12% of the total number of residential units, it appears that both the proffers and the notes on the development plan only commit to providing the minimum number of ADU's as required by the Zoning Ordinance. The development plan notes that 72 ADU's are required. While proffers #6 and #7 note that all ADU's will be provided in a single rental apartment building near Turley Drive and Centreville Road and shall be age restricted to individuals of age 62 or older with a total of 120 units. These proffers do not specify how many of these units will be ADU's. Proffer #7 indicates that ADU's shall be provided in accordance with Section 2-800 of the Zoning Ordinance. Thus, the proposal does not appear to conform with the Plan recommendation which clearly calls for 10-12% of the total units to consist of ADUs. This issue remains outstanding.

PGN:CFS:JRB



County of Fairfax, Virginia

MEMORANDUM

DATE: October 6, 2006

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PWN*
Environment and Development Review Branch, DPZ

SUBJECT: ENVIRONMENTAL ASSESSMENT for: RZ/FDP 2003-SU-035
SE 2006-SU-023
Dulles Discovery/Sully East

This memorandum, prepared by John R. Bell, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed development as depicted on the conceptual and final development plans dated March 29, 2004 as revised through September 26, 2006 and proffers dated September 15, 2006 and the special exception plat dated July 14, 2004, as revised through September 26, 2006. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

In the Fairfax County Comprehensive Plan, Policy Plan, 2003 Edition, Environment section as amended through November 15, 2004, on pages 5-7, the Plan states:

“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County. . . .

Policy k. For new development and redevelopment, apply better site design and low impact development techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
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increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County's streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation.
- Where feasible, convey drainage from impervious areas into pervious areas.
- Encourage cluster development when designed to maximize protection of ecologically valuable land.
- Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements.
- Where appropriate, use protective easements in areas outside of private residential lots as a mechanism to protect wooded areas and steep slopes.
- Encourage the use of open ditch road sections and minimize subdivision street lengths, widths, use of curb and gutter sections, and overall impervious cover within cul-de-sacs, consistent with County and State requirements.
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements.
- Where feasible and appropriate, encourage the use of pervious parking surfaces in low-use parking areas.
- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements. . . .

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.”

In the Fairfax County Comprehensive Plan, Policy Plan, 2003 Edition, Environment section as amended through November 15, 2004, on pages 9 and 10, the Plan states:

“Objective 4: Minimize human exposure to unhealthful levels of transportation generated noise.

Policy a: Regulate new development to ensure that people are protected from unhealthful levels of transportation noise.

Policy b: Reduce noise impacts in areas of existing development.

New development should not expose people in their homes, or other noise sensitive environments, to noise in excess of DNL 45 dBA, or to noise in excess of DNL 65 dBA in the outdoor recreation areas of homes. To achieve these standards new residential development in areas impacted by highway noise between DNL 65 and 75 dBA will require mitigation. New residential development should not occur in areas with projected highway noise exposures exceeding DNL 75 dBA. Because recreation areas cannot be screened from aircraft noise and because adverse noise impacts can occur at levels below DNL 65 dBA, in order to avoid exacerbating noise and land use conflicts and to further the public health, safety and welfare, new residential development should not occur in areas with projected aircraft noise exposures exceeding DNL 60 dBA. Where new residential development does occur near Washington Dulles International Airport, disclosure measures should be provided.”

ENVIRONMENTAL ANALYSIS:

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

Water Quality

Issue:

The applicants are proposing to construct a wet pond on the western portion of the site to meet detention and water quality control/best management practice (BMP) requirements. The applicants have also been encouraged to incorporate Low Impact Development (LID) measures into the proposed development to provide additional water quality benefits for the proposed

development. The proffers make some limited commitments to incorporating LID into the proposed development.

Resolution:

There are clearly opportunities for additional LID measures within the proposed development. Porous pavement, rain gardens, infiltration trenches, filterstrips and green roof application should all be given consideration. Any final determination regarding the adequacy of stormwater management facilities will be made by staff in the Department of Public Works and Environmental Services at the time of site plan review.

Transportation Generated Noise

Issue:

Portions of the subject property are located immediately adjacent to Centreville Road (Route 657) and within close proximity to Route 28. Based on noise studies which have been prepared for this residential development, some of the proposed residential units will be impacted by noise levels exceeding 65 dBA Ldn, but there is no indication that noise levels would exceed 75 dBA Ldn. There are two small areas along the Centreville Road area of the development where noise barriers were recommended by the noise consultant for individual units to shield outdoor privacy areas which could not be shielded otherwise. These barriers would be incorporated into those individual units. The Comprehensive Plan contains explicit language which prohibits the use of noise barriers, such as walls or fences along Centreville Road and Route 28. No such barriers are proposed with this development as the units closest to Centreville Road will have no rear yard areas facing that road surface and the units located in close proximity to Route 28 will have privacy yards located outside of the 65 dBA LDN contour according to the noise consultants findings.

Resolution:

The applicants have provided proffers noting their commitment to provide interior noise mitigation measures through use of appropriate Sound Transmission Class (STC) building materials for units impacted by noise in the 65-70 dBA Ldn range and noise levels in the 70-75 dBA Ldn range. However, the current wording of these proffers notes the location of noise contours. These noise contours have not been specifically identified in the noise study. The proposed noise barriers noted for shielding the two impacted units along Centreville Road must be incorporated into the structures themselves and clearly demonstrate being an integral element of the structure.

Issue:

The subject property is located immediately east of Washington-Dulles International Airport and is just outside of the Airport Noise Impact Overlay District (ANIOD). The existing 60 dBA Ldn noise contour for ANIOD falls along the western side of the site in an area of

existing and proposed office development. As noted in the Policy Plan, new residential development located in close proximity to the noise contours for the airport is subject to a disclosure requirement from the developer to prospective home buyers. To date the proffers for the proposed development do not include any mention of the airport noise disclosure statement.

Resolution:

The applicant should provide a proffer noting the proximity of the residential development to Washington- Dulles International Airport and the Airport Noise Impact Overlay District. This disclosure should also state that the noise contours are subject to change based on future runway additions and alignments. As such, the noise contours for the airport may change resulting in additional noise impacts for residential units in this area.

PGN:JRB



County of Fairfax, Virginia

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT

FILE: 3-4 (RZ 2003-SU-035)

SUBJECT: ADDENDUM
PCA 2003-SU-035; Sully East, LC
Land Identification Map: 34-2 ((1)) 1A, 2, 3A, 10A, 27, 33, 35

DATE: November 20, 2006

This department has reviewed the subject request including revised proffers and a Conceptual/Final Development Plan (FDP) each dated November 16, 2006. We have the following update to comments provided on October 5, 2006.

Proffer Comments

1. In Proffer 11.E. the applicant specifies turn lanes to be constructed in the course of development. These commitments do not include turn lanes now shown on the FDP at several intersections within the development. Rather than call out turn lanes specifically, the applicant should proffer to construct internal streets in conformance with the layout on the FDP subject to VDOT and County approval.

November 20 - The applicant has adequately addressed this issue.

2. In Proffer 12.A. the applicant commits to the installation of signal at Air & Space Boulevard and Historic Sully Way without acknowledging another commitment for that signal. The proffer language needs to indicate some level of coordination between developers on this installation.

November 20 - The applicant has sidestepped the coordination issue by making a full commitment to the signal unless others have provided it. This issue has been adequately addressed.

3. A proffer committing to either a pro rata share or \$15,000 toward a signal at Wall Road and Air & Space Boulevard should be provided. This proffer should be subject to inflationary adjustments.

November 20 - After further discussion with the applicant, this is no longer requested.

4. Proffer 16 discusses bus shelters. The applicant commits to the construction of 3 bus shelters in locations to be determined by FCDOT, this determination necessary by site plan approval. There are no bus lines serving the site currently although it is expected that service would be expanded with significant development of the surrounding area. Therefore, making a determination at site plan approval is likely to be premature. The applicant should commit to timing of final bond release to ensure adequate time to plan routes and establish locations.

November 20 - The applicant has revised his proffer to commit to the timing of final bond release. This issue is adequately addressed.

5. The applicant should commit to construction of 2 additional bus shelters.

November 20 - The applicant has committed to construct a total of 4 bus shelters or provide a total of \$80,000 toward construction of shelters within the property. This issue is adequately addressed.

6. Proffer 17, TDM commitments:

- a. Proffer 17.B. commits to the appointment of a TDM coordinator. This person's duties are not defined. Based on the TDM program provided, it appears as though simply committing to provide a point of contact for FCDOT TDM efforts will be adequate.
- b. A commitment to an on-demand shuttle service from the hotel to the Air & Space Museum and the airport has been provided. This service should also be available to guests to commute to local businesses as well as provide shuttle service to the future Dulles Corridor Metro extension.

November 20 - This issue is not addressed.

- c. Either through the hotel shuttle or by another means, on-demand shuttle service to nearby uses should be made available until, minimally, bus service is provided to the area.

November 20 - This issue is not addressed.

- d. Carpool spaces for the formation of carpools traveling to offsite locations should be designated either in the retail/office or hotel/restaurant portion of the development. This should consist of a minimum of 10 spaces and be marked with signage.

November 20 - This issue is not addressed.

- e. If a website is developed for residents of the site, the applicant should commit to include information on multi-modal transportation options including links to relevant websites.

November 20 - The applicant deleted a previous commitment to this effort.

- 7. The applicant should commit in Proffer 18 to construct an off-site trail connection between the terminus of Turley Hall Drive and the Route 28 trail.

November 20 - This issue has been adequately addressed.

- 8. A commitment to coordinate the establishment of an easement for the proposed realignment of the major ped/bike trail detailed in the FDP comments should be included in Proffer 19.

November 20 - This issue has not been addressed by the applicant and although it would be positive if the applicant acknowledged this in the proffers, they will need to address the issue before abandonment of Barnsfield Road takes place.

- 9. A stronger commitment to interparcel easements is needed. Staff has previously indicated that interparcel access to offsite Parcel 7 from the proposed public street is preferred. In addition to committing to this, the applicant needs to provide dedication and/or easements to facilitate this future connection. An access easement will also be needed for access to offsite Parcel 6. If access to Parcel 8 is to be provided as shown, then the applicant needs to design the site to accommodate this and provide all necessary easements. New easements will need to be established for the church interparcel connection.

November 20 - The applicant has provided a clearer commitment to easements as requested however the CDP/FDP still needs to be revised to delete access to Parcel 8 and revise the terminology regarding 'potential' access to Parcel 7.

- 10. In Proffer 10, the escalation clause should be revised to state "adjusted upward (or downward - *should be stricken*) for inflation ***in conformance with Code of Virginia regulations***; emphasis added to new text.

November 20 - The latest revisions to the proffers strike the language added at our request. The term "***in conformance with Code of Virginia regulations***" is the preferred text.

Overall Plan

- 1. In order to complete a detailed review and provide final approval of the plans, the applicant should provide additional plan sheets that divide the development into quads for the purpose of magnifying the proposed improvements for better viewing.

November 20 - This issue has not been addressed.

2. A separate Transportation Plan should be created that combines elements from Sheet 3, 4 and 5 into a single plan showing all proposed transportation improvements and lane markings.

November 20 - This issue has not been addressed.

Conceptual/Final Development Plan (Sheet 4)

1. Rather than highlighting the Barnsfield Road right-of-way as previously requested, all references to the right-of-way should be deleted from the plans depicting development elements since that right-of-way will need to be abandoned in order to proceed with the planned development.

November 20 - This issue has been adequately addressed.

2. Closure of the roadway accessing Turley Hall Drive on the eastern border of the community open space has been discussed. The current plans for the development show this roadway connection still in place. Its location offset from the Beale Drive/Turley Hall Drive intersection presents operational concerns.

November 20 - This issue has been adequately addressed.

Pedestrian/Bicycle Plan (Sheet 5)

1. The applicant should consider establishing an on-street bike lane from the terminus of Turley Hall Drive to the cross street east of Beale Drive to then connect with the proposed major off-street trail that generally follows the current alignment of Barnsfield Road.

November 20 - This issue has not been addressed.

2. The proposed major trail should be realigned to pass to the north of the cemetery in the Barnsfield Road right-of-way to be abandoned. Appropriate easements should be established in the abandoned right-of-way for this purpose.

November 20 - This issue has been adequately addressed however a commitment to securing off-site easements has not been made.

3. Crosswalks should be shown at central intersection of Beale Drive and the internal roadways and on Turley Hall Drive at the central intersection with internal roadways.

November 20 - This issue has been adequately addressed.

4. The proposed mid-block crosswalks on Turley Hall Drive should be deleted and replaced with striped crosswalks at the garage entries for the multi-family development and on the west leg of Turley Hall Drive at the townhome/multi-family entrance.

November 20 - This issue has not been addressed.

5. A sidewalk connection to the proposed crosswalk on the west leg of Historic Sully Way at the roundabout with Beale Drive is recommended.

November 20 - This issue has been adequately addressed.

6. The crosswalk paralleling Centreville Road crossing Turley Hall Road needs to be pulled more into the site.

November 20 - This issue has been adequately addressed.

AKR/MAD

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services



County of Fairfax, Virginia

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief *MAK*
Site Analysis Section, DOT *AKR*

FILE: 3-4 (RZ 2003-SU-035)

SUBJECT: RZ 2003-SU-035; Sully East, LC
Land Identification Map: 34-2 ((1)) 1A, 2, 3A, 10A, 27, 33, 35

DATE: October 5, 2006

This department has reviewed the subject request including proffers dated September 15, 2006, and a Conceptual/Final Development Plan (FDP) dated September 26, 2006. We have the following comments.

The proffer package submitted by the applicant is not reflective of changes made to the FDP, most of which are acceptable to this department. Where necessary, the proffers should be updated to incorporate changes to the FDP. These are outlined below in addition to other comments on the proffer package.

Proffer Comments

1. In Proffer 11.E. the applicant specifies turn lanes to be constructed in the course of development. These commitments do not include turn lanes now shown on the FDP at several intersections within the development. Rather than call out turn lanes specifically, the applicant should proffer to construct internal streets in conformance with the layout on the FDP subject to VDOT and County approval.
2. In Proffer 12.A. the applicant commits to the installation of signal at Air & Space Boulevard and Historic Sully Way without acknowledging another commitment for that signal. The proffer language needs to indicate some level of coordination between developers on this installation.
3. A proffer committing to either a pro rata share or \$15,000 toward a signal at Wall Road and Air & Space Boulevard should be provided. This proffer should be subject to inflationary adjustments.
4. Proffer 16 discusses bus shelters. The applicant commits to the construction of 3 bus shelters in locations to be determined by FCDOT, this determination necessary by site plan approval. There are no bus lines serving the site currently although it is

expected that service would be expanded with significant development of the surrounding area. Therefore, making a determination at site plan approval is likely to be premature. The applicant should commit to timing of final bond release to ensure adequate time to plan routes and establish locations.

5. The applicant should commit to construction of 2 additional bus shelters.
6. Proffer 17, TDM commitments:
 - a. Proffer 17.B. commits to the appointment of a TDM coordinator. This person's duties are not defined. Based on the TDM program provided, it appears as though simply committing to provide a point of contact for FCDOT TDM efforts will be adequate.
 - b. A commitment to an on-demand shuttle service from the hotel to the Air & Space Museum and the airport has been provided. This service should also be available to guests to commute to local businesses as well as provide shuttle service to the future Dulles Corridor Metro extension.
 - c. Either through the hotel shuttle or by another means, on-demand shuttle service to nearby uses should be made available until, minimally, bus service is provided to the area.
 - d. Carpool spaces for the formation of carpools traveling to offsite locations should be designated either in the retail/office or hotel/restaurant portion of the development. This should consist of a minimum of 10 spaces and be marked with signage.
 - e. If a website is developed for residents of the site, the applicant should commit to include information on multi-modal transportation options including links to relevant websites.
7. The applicant should commit in Proffer 18 to construct an off-site trail connection between the terminus of Turley Hall Drive and the Route 28 trail.
8. A commitment to coordinate the establishment of an easement for the proposed realignment of the major ped/bike trail detailed in the FDP comments should be included in Proffer 19.
9. A stronger commitment to interparcel easements is needed. Staff has previously indicated that interparcel access to offsite Parcel 7 from the proposed public street is preferred. In addition to committing to this, the applicant needs to provide dedication and/or easements to facilitate this future connection. An access easement will also be needed for access to offsite Parcel 6. If access to Parcel 8 is to be provided as shown, then the applicant needs to design the site to accommodate this and provide all necessary easements. New easements will need to be established for the church interparcel connection.

10. In Proffer 10, the escalation clause should be revised to state "adjusted upward (or downward - *should be stricken*) for inflation *in conformance with Code of Virginia regulations*; emphasis added to new text.

The applicant has made significant revisions to the FDP to address staff concerns about the transportation design and layout of the development. Staff is basically satisfied with the street design as shown in the September 26 plans. However, we have several specific comments.

Overall Plan

1. In order to complete a detailed review and provide final approval of the plans, the applicant should provide additional plan sheets that divide the development into quads for the purpose of magnifying the proposed improvements for better viewing.
2. A separate Transportation Plan should be created that combines elements from Sheet 3, 4 and 5 into a single plan showing all proposed transportation improvements and lane markings.

Conceptual/Final Development Plan (Sheet 4)

1. Rather than highlighting the Barnsfield Road right-of-way as previously requested, all references to the right-of-way should be deleted from the plans depicting development elements since that right-of-way will need to be abandoned in order to proceed with the planned development.
2. Closure of the roadway accessing Turley Hall Drive on the eastern border of the community open space has been discussed. The current plans for the development show this roadway connection still in place. Its location offset from the Beale Drive/Turley Hall Drive intersection presents operational concerns.

Pedestrian/Bicycle Plan (Sheet 5)

1. The applicant should consider establishing an on-street bike lane from the terminus of Turley Hall Drive to the cross street east of Beale Drive to then connect with the proposed major off-street trail that generally follows the current alignment of Barnsfield Road.
2. The proposed major trail should be realigned to pass to the north of the cemetery in the Barnsfield Road right-of-way to be abandoned. Appropriate easements should be established in the abandoned right-of-way for this purpose.
3. Crosswalks should be shown at central intersection of Beale Drive and the internal roadways and on Turley Hall Drive at the central intersection with internal roadways.

Ms. Barbara A. Byron
October 5, 2006
Page 4 of 4

4. The proposed mid-block crosswalks on Turley Hall Drive should be deleted and replaced with striped crosswalks at the garage entries for the multi-family development and on the west leg of Turley Hall Drive at the townhome/multi-family entrance.
5. A sidewalk connection to the proposed crosswalk on the west leg of Historic Sully Way at the roundabout with Beale Drive is recommended.
6. The crosswalk paralleling Centreville Road crossing Turley Hall Road needs to be pulled more into the site.

AKR/MAD

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator DATE: October 19, 2006
Zoning Evaluation Division, OCP

FROM: Gilbert Osei-Kwadwo (Tel: 324-5025) *gok*
System Engineering & Monitoring Division
Office of Waste Management, DPW

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. RZ/FDP 2006-SU-025
Tax Map No. 044-1-/01/ /0006

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

1. The application property is located in the CUB RUN (T2) Watershed. It would be sewer into the UOSA Treatment Plant.
2. Based upon current and committed flow, excess capacity is available in the Upper Occoquan Sewer Authority Treatment Plant at this time. For purposes of this report, committed flow shall be deemed as for which fees have been previously paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 15 AND 24 inch lines located in an easement and ON the property is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

<u>Sewer Network</u>	<u>Existing Use + Application</u>		<u>Existing Use + Application + Previous Rezoning</u>		<u>Existing Use + Application + Comp. Plan</u>	
	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>
Collector	<u>X</u>	<u> </u>	<u>X</u>	<u> </u>	<u>X</u>	<u> </u>
Submain	<u>X</u>	<u> </u>	<u>X</u>	<u> </u>	<u>X</u>	<u> </u>
Main/Trunk	<u>X</u>	<u> </u>	<u>X</u>	<u> </u>	<u>X</u>	<u> </u>
Interceptor						
Outfall						

5. Other pertinent information or comments:



FAIRFAX COUNTY WATER AUTHORITY
8560 Arlington Boulevard, Fairfax, Virginia 22031
www.fairfaxwater.org

**PLANNING & ENGINEERING
DIVISION**

C. David Binning
Director
(703) 289-6325
Fax (703) 289-6382

July 26, 2006

Ms. Barbara A. Byron, Director
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

Re: RZ 03-SU-035
FDP 03-SU-035

Dear Ms. Byron:

The following information is submitted in response to your request for a water service analysis for the above application:

1. The property is located within the Fairfax Water service area.
2. Adequate domestic water service is available at the site from existing 12-inch and 8-inch water mains located at the property. See the enclosed water system map. The Generalized Development Plan has been forwarded to Plan Control for distribution to the Engineering Firm.
3. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.
4. Due to the limited detail of these plans, Fairfax Water is not able to provide comprehensive comments with regard to existing and proposed water facilities. Fairfax Water will review for conformance with Fairfax Water's Design Standards Manual and Standard Details upon submittal of final site plans.
5. This site contains a 24-foot Fairfax Water easement. This easement is recorded in Fairfax County Deed Book 7952, Page 875 and supports an existing 48-inch diameter transmission main, which is a critical source of supply to customers in the western region of Fairfax County. Accordingly, this site plan must be reviewed and approved by Fairfax Water. Fairfax Water may require recordation of an amendment to the aforementioned easement agreement.



FAIRFAX COUNTY WATER AUTHORITY
8560 Arlington Boulevard, Fairfax, Virginia 22031
www.fairfaxwater.org


**PLANNING & ENGINEERING
DIVISION**

C. David Binning
Director
(703) 289-6325
Fax (703) 289-6382

6. Any water facilities in conflict with the proposed development are to be appropriately abandoned and /or relocated at the developer's expense as directed by Fairfax Water.

If you have any questions regarding this information please contact me at (703) 289-6302.

Sincerely,



Jamie Bain Hedges, P.E.
Manager, Planning Department

Enclosures

Cc: Urban Engineering & Assoc., Inc.
(David T. McElhaney)



County of Fairfax, Virginia

MEMORANDUM

DATE: July 18, 2006

TO: Barbara Byron, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: Ralph Dulaney (246-3868)
Information Technology Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Rezoning Application RZ 2003-SU-035 and final Development Plan FDP 2003-SU-035

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #415, Chantilly
2. After construction programmed _____ this property will be serviced by the fire station _____
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - ☒ a. currently meets fire protection guidelines.
 - ☐ b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - ☐ c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - ☐ d. does not meet current fire protection guidelines without an additional facility. The application property is _____ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.





FAIRFAX COUNTY
PUBLIC SCHOOLS

Department of Facilities and Transportation Services
Office of Design and Construction Services
City Square Building, Suite 100
10640 Page Avenue
Fairfax, Virginia 22030

July 20, 2006

Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 800
Fairfax, Virginia 22035

Gentlemen:

Re: Below Listed Recently Filed Development Plan Analysis

RZ/FDP 2003-SU-035 Amended

This office has reviewed the subject Rezoning Final Development Plan Application, and has no comments with respect to school acquisition.

Sincerely yours,



Weldon Spurling, II, PE

WS/km

cc: Facilities Planning Services, FCPS, (w/attach.)
File



County of Fairfax, Virginia

MEMORANDUM

OCT 19 2006

DATE:

TO: John-David Moss, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Qayyum Khan, Chief Stormwater Engineer *QK*
Site Review West, Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Rezoning and Final Development Plan Application, RZ/FDP 2003-SU-035 and PCA 75-2-016-33, Dulles Discovery, Plan Revised on October 13, 2006, LDS Project #24687-ZONA-001-1, Tax Map #034-2-01-0001-A, 0002, 0003-A, 0010-A, 0027, 0033pt. and 0035 (Property), Cub Run Watershed, Sully District

We have reviewed the subject submission and offer the following comments related to stormwater management (SWM):

Chesapeake Bay Preservation Ordinance

There are no Resource Protection Areas on the property. The site is located within the Water Supply Protection Overlay District. The phosphorus removal requirement will be 50% for this project.

Floodplain

There are no regulated floodplains on the site.

Downstream Drainage Complaints

There are no downstream drainage complaints on file.

Site Outfall

The applicant needs to include cross sections at critical points and demonstrate no erosive velocities will occur at these locations.

SWM

The applicant is required to provide 2 and 10 year runoff increase and water quality control calculations. The proposed detention facility shall be under private maintenance and the owners shall enter into a maintenance agreement with the County.



John-David Moss, Staff Coordinator
RZ/FDP 2003-SU-035
Page 2 of 2

If further assistance is desired, please contact me at 703-324-1720.

QK/tg

cc: Steve Aitcheson, Director, Stormwater Planning Division, DPWES
Assad Ayoubi, Director, Site Review West, ESRD, DPWES
Zoning Application File



FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM



TO: Barbara A. Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, Manager, Park Planning Branch
Planning and Development Division

Sandy Stallman

DATE: November 21, 2006

SUBJECT: RZ/FDP 2003-SU-035, Sully East (Amended)
Tax Map Numbers: 34-2 ((1)) 1A, 2, 3A, 10A, 27, 33 (part), and 35

BACKGROUND

The Park Authority staff has reviewed the updated Proffer Statement dated November 16, 2006, for the above referenced application. Comments provided here are addenda to comments provided earlier in memos dated August 24, 2006, October 3, 2006 and October 20, 2006.

ANALYSIS AND RECOMMENDATIONS

Improvements to Sully Historic Site

The Park Authority continues to encourage the applicant to provide contributions to offset the cost of replacing the entrance to Sully Historic Site due to the Barnsfield Road interchange improvements in the amount of \$450,000.00 and refers to the previous comments for detailed rationale.

The Park Authority again requests that the applicant modify the November 16th draft proffer as follows:

43. Sully Plantation Historic Site. The Applicant shall contribute \$200 per non ADU unit (i.e., \$184,000 total for 920 units) \$450,000 to the FCPA Fairfax County Park Authority for improvements toward reimbursing the cost of replacing the entrance and reorienting to the Sully Historic Site facilities. Said payment should be made within one year of rezoning approval.

Stout Property

The Park Authority reiterates its position from the October 3rd and October 20th memos regarding the proposed proffer changes for the acquisition of the Stout property. The requested edits are consistent with language provided by the County Attorney for land acquisitions with potential

condemnation actions. The Park Authority again requests that the applicant replace the November 16th draft proffer with the following:

42. Off-Site Parcel 34-2((1))-12 ("Stout Parcel"). This rezoning approval is contingent upon the acquisition of the Stout Parcel (Tax Map # 34-2-((1))-12) in order to be in conformance with the Comprehensive Plan (Dulles Suburban Center, Land Unit D-4, Recommendation #2, p. 81). The Applicant shall ~~either acquire~~ diligently pursue acquisition of the Stout Parcel or shall pay all costs, including reasonable attorney's fees for outside counsel (if applicable), necessary to condemn the parcel and dedicate the entire property to the Fairfax County Park Authority. In order to implement the acquisition and dedication referenced above, concurrent with the first site plan review process for the approved development, (The Applicant shall use its good faith efforts to diligently pursue acquisition of said parcel attempt to acquire and, if successful, shall dedicate the entire parcel to the FCPA the Stout Parcel described on the FDP and referenced in Proffer #42 to the Fairfax County Park Authority upon demand. The applicant shall use its good faith efforts and offer a reasonable fair market value for said acquisition of property. If, six months subsequent to submission the filing of the first site plan, the Applicant is unable to bring about the dedication of the Stout Parcel or acquire by purchase the Stout Parcel at fair market value, as determined by an MAI (Member of the Appraisal Institute) appraisal, then the Applicant shall demonstrate its efforts and request that the FCPA Fairfax County Park Authority use its powers of Eminent Domain to condemn the Stout Parcel. It is understood that (The Applicant's request to the Fairfax County Park Authority will not be considered until it is shall be forwarded, in writing, to the Director of Planning and Development, Division of the FCPA Manager, Land Acquisition Branch Planning and Development Division, accompanied by:

(A) Plans and plats showing the necessary property to be acquired;

(B) An independent appraisal, by an MAI appraiser who is not employed by the County, of the value of the land taken and damages, if any, to the residue of the affected property of the value of the property to be acquired;

(C) A sixty (60) year title search certificate of the land to be acquired;

(D) A Letter of Credit in an amount equal to the appraised value of the property to be acquired ~~and of all damages to the residue, if any,~~ which can be drawn upon by the Fairfax County Park Authority;

(E) Copies of written offers and counteroffers; and

(F) Evidence of owner's refusal of offers and counteroffers.

It is also understood that in the event the property owner of the Stout Parcel is awarded more than the ~~Letter of Credit~~ appraised value of the property in a condemnation suit, the amount of the award in excess of the appraised value said excess amount of the award shall be paid to the Fairfax County Park Authority by the Applicant within five (5) forty-five (45) days after said award has become final. It is further understood that all other costs incurred by Fairfax County,

~~as defined above, in acquiring the Stout Parcel shall be paid to Fairfax County by the Applicant upon demand; and~~

~~(E) A copy of the written offer and evidence of owner's refusal of offer.~~ In addition, the Applicant agrees that all reasonable and documented sums expended by the Fairfax County Park Authority in acquiring the property shall be paid to the Fairfax County Park Authority by the Applicant within sixty (60) days of written demand.

cc: Michael A. Kane, Director
Timothy K. White, Deputy Director
Charles Bittenbring, Acting Director, Planning and Development Division
Cindy Messinger, Director, Resource Management Division
Kay Rutledge, Land Acquisition and Management Branch
Michael Rierson, Manager, Resource Stewardship Branch
Chron Binder
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Barbara A. Byron
RZ/FDP 2003-SU-035, Sully East (Amended)
November 21, 2006
Page 4

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FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM



TO: Barbara A. Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, Manager, Park Planning Branch *Sandy Stallman*
Planning and Development Division

DATE: October 20, 2006

SUBJECT: RZ/FDP 2003-SU-035, Sully East (Amended)
Tax Map Numbers: 34-2 ((1)) 1A, 2, 3A, 10A, 27, 33 (part), and 35

BACKGROUND

The Park Authority staff has reviewed the Conceptual/Final Development Plan and accompanying Proffer Statement, both dated October 13, 2006, for the above referenced application. Comments provided here are addenda to comments provided earlier in memos dated August 24, 2006 and October 3, 2006.

ANALYSIS AND RECOMMENDATIONS

Improvements to Sully Historic Site

The Park Authority continues to encourage the applicant to provide contributions to offset the cost of replacing the entrance to Sully Historic Site due to the Barnsfield Road interchange improvements. The effective result of these interchange improvements is that it greatly benefits the applicant's development access while requiring the Park Authority to reorient its entire historic site to a new redesigned entrance. While VDOT provided basic entrance replacements, the forced reorientation of the site has burdened the Park Authority and County taxpayers in providing other site orientation requirements not funded by VDOT. Therefore, the Park Authority requests \$450,000 for site entrance improvements necessitated by the altered road interchange is an infrastructure issue. There is a clear nexus to recover non-compensated infrastructure costs for a new site entrance from the applicant. Further, the Park Authority wants to ensure an aesthetically seamless transition between the applicant's property and Sully Historic Site. In addition, the Park Authority wants to continue to provide high-quality infrastructure not only expected from visitors, but also to have aesthetically pleasing site amenities for adjacent neighbors of the park.

The applicant has offered a contribution of \$200 per unit (for a total of \$200,200), independent of other commitments and noted that the proposed development will have no off-site impacts due

to the quality and quantity of recreation amenities provided for residents within the development. With the Countywide Comprehensive Policy Plan as a guide (Appendix 9, #6 of the Land Use section on page 28, as well as Objective 6, Policy a, b and c of the Parks and Recreation section on page 8), the Park Authority typically asks for a fair share contribution of \$265 per new resident with any residential rezoning application to offset impacts to park and recreation service levels. In addition, the Park Authority also asks for a fair share contribution of \$0.27 per square foot of commercial space within the County's suburban centers. The application of these typical contributions to the proposed development would result in a total request of \$537,216 instead of the \$450,000 requested.

As examples, recent applications that have proffered above and beyond the Park Authority's standard fair share request in the Dulles Suburban Center include:

- EDS/Lincoln Properties (RZ/FDP 2006-SU-007), where the developer is proffering to dedicate approximately 17 acres of land as well as construction of a five-field Athletic Field Complex for the community. This is a mixed-use development similar in scope to the proposed Sully East development, with approximately 986 dwelling units and office/retail space on 67.38 acres.
- Fairfield/Dulles Center (FDPA 1996-HM-044), where the developer dedicated 6.7 acres of park land with a constructed lighted and irrigated 90' baseball diamond and appropriate parking/stormwater structures. This is a mixed-use development similar in scope to the proposed Sully East development, with approximately 470 dwelling units and office/retail space on 33.41 acres.
- Launder's Farm, now referred to as Arrowbrooke Center (RZ/FDP 2002-HM-043), where the developer dedicated 23 acres of park land with a public urban park and construction of active recreation fields, courts, trails, picnic facilities, and a community stage to be maintained in perpetuity by the developer. In addition, the developer has proffered to construct a rectangular field with appropriate parking and stormwater structures off-site. The developer is also using green roofs on two of the buildings to help reduce the amount of stormwater runoff negatively impacting the Park Authority's stream valleys. This is a mixed-use development similar in scope to the proposed Sully East development, with approximately 871 dwelling units and office/retail space on 53.8 acres.

The Park Authority requests that the applicant modify the October 13th draft proffer as follows:

42. Sully Plantation Historic Site. The Applicant shall contribute ~~\$200 per non-ADU unit~~ \$450,000 to the FCPA ~~for~~ toward the cost of entrance improvements to the Sully Historic Site ~~facilities~~.

Stout Property

The Park Authority reiterates its position from the October 3rd memo regarding the acquisition of the Stout property and requests that the applicant replace the October 13th draft proffer with the following:

41. Off-Site Parcel 34-2 ((1)) 12 ("Stout Parcel"): This rezoning approval is contingent upon the acquisition of the Stout Parcel (TM# 34-2-((1))-12) in order to be in conformance with the Comprehensive Plan (Dulles Suburban Center, Land Unit D-4, Recommendation #2, p. 81). The Applicant shall diligently pursue acquisition of the Stout Property and dedicate the entire property to the Park Authority.

In order to implement the acquisition and dedication referenced above, concurrent with the first site plan review process for the approved development, the Applicant shall attempt to acquire, and then if successful, shall dedicate such Stout Property improvements described on the FDP and referenced in Proffer #38. The Applicant shall use its good faith efforts and offer a reasonable fair market value for said acquisition of property.

If, six months subsequent to the filing of the first site plan, the Applicant is unable to bring about the dedication of property, or to acquire by purchase the Stout Property at fair market value, as determined by an MAI (Member of the Appraisal Institute) appraisal, then the Applicant shall request the Fairfax County Park Authority to condemn the Stout Property.

It is understood that the Applicant's request to the Park Authority for condemnation will not be considered until it is forwarded in writing to the Planning and Development Division, accompanied by (1) plans and plats showing the necessary property to be acquired; (2) an independent appraisal of the value of the property to be acquired, (3) a sixty (60) year title search certificate of the property to be acquired; and (4) a letter of credit in an amount equal to the appraised value of the property to be acquired which can be drawn upon by the Fairfax County Park Authority; (5) a copy of the written offer; and (6) evidence of owner's refusal of offer. It is also understood that in the event the property owner of the property to be acquired is awarded with more than the appraised value of the property in a condemnation suit, the amount of the award in excess of the letter of credit amount shall be paid to the Fairfax County Park Authority by the Applicant within forty-five (45) days of said award. In addition, the Applicant agrees that all reasonable and documented sums expended by the Fairfax County Park Authority in acquiring the property shall be paid to the Fairfax County Park Authority by the Applicant within sixty (60) days of written demand.

cc: Michael A. Kane, Director
Timothy K. White, Deputy Director
Charles Bittenbring, Acting Director, Planning and Development Division
Cindy Messinger, Director, Resource Management Division
Kay Rutledge, Land Acquisition and Management Branch
Michael Rierson, Manager, Resource Stewardship Branch
Chron Binder
File Copy



FAIRFAX COUNTY PARK AUTHORITY

12055 Government Center Parkway, Suite 927
Fairfax, VA 22035-1118



TO: Barbara A. Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, Manager, Park Planning Branch
Planning and Development Division

DATE: October 3, 2006

SUBJECT: RZ/FDP 2003-SU-035 Revised
Sully East

BACKGROUND

The Fairfax County Park Authority staff has reviewed the proposed Rezoning Application (RZ) and Final Development Plan (FDP) dated September 15, 2006. The FDP shows a residential community of 989 new units (856 multi-family and 133 single-family attached) on approximately 64.20 acres. 100 of these units will be Affordable Dwelling Units (ADU's). The proposal will add approximately 2,229 residents to the current population of the Sully District. The site is located just northeast of the Park Authority's Sully Historic Site.

COMPREHENSIVE PLAN CITATIONS

1. Park Services and New Development (The Policy Plan, Parks and Recreation Objective 1, p. 4)

"Identify and serve current and future park and recreation needs through an integrated park system that provides open space, recreational services and facilities, and stewardship of natural and cultural resources."

Policy e: "Enhance existing park experiences and resource protection opportunities through acquisition of lands adjacent to existing parkland, wherever feasible."

Policy f: "Extend public investments in parkland acquisition and park development through a combination of public/private mechanisms, such as voluntary dedication and/or donation of land, fee simple purchase, negotiated agreements, and other appropriate means."

703-324-8700 • TTY: 703-324-3988 • ONLINE: www.fairfaxcounty.gov/parks • E-MAIL: parkmail@fairfaxcounty.gov



If accommodations and/or alternative formats are needed, please call (703) 324-8563, at least 10 working days in advance of the registration deadline or event. TTY (703) 803-3354

Policy h: "Encourage private landowners to preserve open space and protect ecological and cultural resources through the use of conservation easements, land use valuation, and other land use options, incentives and programs."

2. Park Services (Area III Plan, Dulles Suburban Center, Major Objectives 26, p. 14)

"Ensure the provision of adequate parklands and recreational facilities to meet the needs of the Dulles Suburban Center workforce, residents and visitors. Incorporate active recreation facilities in conjunction with both non-residential and residential development."

3. Parkland Acquisition/Dedication (Area III Plan, Dulles Suburban Center Area-Wide Recommendations #2, p. 48)

"To insure the long-term recreation and resource protection needs will be met, the Fairfax County Park Authority should seek acquisition of additional properties located in Land Units A, D1, D2, D4 and H. A variety of acquisition mechanisms should be utilized to optimize the use of public funding and provide appropriate incentives to property owners to negotiate the transfer of identified properties."

4. Parkland Dedication (Area III Plan, Dulles Suburban Center, Land Unit D-4 Land Use Recommendations #2, p. 81)

"For any development proposal under this alternative, the following conditions should be met:...Parcel 34-2((1))12 is dedicated to, or acquired for, the Fairfax County Park Authority to ensure protection of Sully Historic Site resources and preservation of the original plantation boundary line."

5. Heritage Resources (The Policy Plan, Parks and Recreation Objective 1, p. 3)

Objective 1: Identify heritage resources representing all time periods and in all areas of the County.

Policy a: "Identify heritage resources well in advance of potential damage or destruction."

6. Heritage Resources (The Policy Plan, Parks and Recreation Objective 3, p. 6)

Objective 3: "Protect and preserve significant cultural resources on parklands."

Policy c: "Consider alternatives, in addition to fee-simple acquisition of cultural resources, such as the establishment of protective easements, to ensure preservation, stabilization, restoration and appropriate site planning and development."

7. Resource Protection (The Policy Plan, Parks and Recreation Objective 5, p. 7)

Objective 5: “Ensure the long term protection, preservation and sustainability of park resources.”

Policy a: “Protect parklands from adverse impacts of off-site development and uses. Specifically, identify impacts from development proposals that may negatively affect parklands and private properties under protective easements and require mitigation and/or restoration measures, as appropriate.”

8. Resource Protection (Area III Plan, Dulles Suburban Center, Parks and Recreation Objective 27, p. 14)

Objective 27: “Preserve the integrity of existing and future public parklands and protect significant natural and cultural resources therein from impacts of off-site development.”

9. Park Services and New Development (The Policy Plan, Parks and Recreation Objective 6, p. 8)

Objective 6: Ensure the mitigation of adverse impacts to park and recreation facilities and service levels caused by growth and land development through the provision of proffers, conditions, contributions, commitments, and land dedication.

Policy a: “Offset residential development impacts to parks and recreation resources, facilities and service levels based on the adopted facility service level standards (Appendix 2). The provision of suitable new park and recreational lands and facilities will be considered in the review of land development proposals in accordance with Residential Development Criteria - Appendix 9 of the Land Use element of the Countywide Policy Plan.”

Policy b: “To implement Policy (a) above, residential land development should include provisions for contributions, or dedication, to the Park Authority of usable parkland and facilities, public trails, development of recreational facilities on private open space, and/or provision of improvements at existing nearby park facilities.”

10. Park Services and New Development (Area III Plan, Dulles Suburban Center, p. 46)

Urban Parks

“Plazas and mini-parks oriented to use by Suburban Center residents, workforce and visitors. Informal activities and programmed events in these areas are intended to enhance

leisure opportunities and social interaction. Dulles Corner Central Park is an example of this component; similar facilities are planned for the Westfields complex.

“Development of such a greenway system, comprehensively integrated with other land uses, can return significant benefits to both the public and private sector in the Dulles Suburban Center. The positive impacts of carefully and imaginatively planned open space on real estate values, public health, resource preservation, and energy and infrastructure investments make development of the proposed Greenway system an important element in the total environment of this Suburban Center.”

11. Park Services and New Development (Area III Plan, Dulles Suburban Center, p. 58-59)

“Development in Land Unit A should provide for adequate public or privately-owned recreational facilities to serve both employment and residential uses.” (p. 58)

“For both residential and non-residential development, excellence in site planning and design is desirable and expected. It is recommended that usable open space and/or urban parks be incorporated into the design scheme for development in this area. These urban park areas should be oriented to pedestrian and bicycle use by the local work force and residents and provide space for informal or programmed lunchtime and after work events. These areas should be well-landscaped and provide furnishings such as seating and gazebos for public use.” (p.59)

ANALYSIS AND RECOMMENDATIONS

Design Layout of Western Portion of the Development

The design currently shows an old layout of the entrance road into Historic Sully to be provided by Virginia Department of Transportation (VDOT). Please update the road layout to reflect the new alignment as well as the cul-de-sac that terminates at the restricted access park entrance and the Metropolitan Washington Airports Authority (MWAA) restricted access airport road. This updated design layout can be obtained through MWAA.

Proffers

A set of proffers entitled “RZ 2003-SU-035 (Amended) Dulles Discovery Draft Proffer Statement” and dated September 15, 2006, has been reviewed by the Park Authority. Comments on these proffers are addressed under each subject heading below, and specifically noted by their listing and page numbers from the submitted document.

Park Impacts Due to the Proposed Development

The proposed development is for mixed-use development that includes approximately 109,300 square feet of hotel, retail, and office space, as well as 989 new dwelling units, 100 of which will be affordable dwelling units (ADU's) per proffer #6, page 2. The residents, employees, shoppers and visitors of this development will need access to outdoor recreational facilities. Many recreational amenities are proposed within the residential portion of the development presumably for the exclusive use of residents. Based on the Zoning Ordinance Sections 6-110 and 16-404, the applicant shall provide \$955 per non-ADU (Affordable Dwelling Unit) residential unit for outdoor recreational facilities to serve the development population. With 100 ADU's proposed, the Ordinance-required contribution is \$848,995.00. This amount is addressed in proffer #26, page 7.

The applicant has provided significant changes between the prior and current submissions, many of which have altered the land use within the development to include a higher quantity and quality of various active and passive recreational spaces. As a result of these changes, it is unlikely that there will be unspent ordinance-required funds paid to the Park Authority to compensate for the increased impacts on park service levels from the additional potential park users that will be associated with this mixed-use development.

Sully Historic Site Entrance Improvements

The Park Authority is requesting a contribution of \$450,000 to offset the costs of the new park entrance due to the new road alignment at the Sully Road/Barnsfield Road intersection. Over the past few years the Park Authority has been in negotiations with Virginia Department of Transportation (VDOT) and Metropolitan Washington Airport Authority (MWAA) regarding the removal and replacement of the entrance to the Sully Historic Site necessitated by the completion of the Barnsfield interchange. The interchange is substantially completed and open. The entrance to Sully has been reduced from a controlled light access to right-in and right-out access only. This access condition is unsafe and will ultimately be eliminated. To compensate for the future closing of the existing entrance to Sully, VDOT has made several commitments that provide for the basics of an entrance to the site but fail to address additional changes that must occur on the park site to accommodate the new entrance.

The eastern part of the Barnsfield interchange will primarily serve the Peterson developments to the north and south including a shared access road on the south side through Sully East into Sully Historic Site. The primary impact to the Park Authority by this realignment is the need to reorient the entrance to Sully Historic Site. The entrance provides the visitor's first impression to this unique historic site. Great care has been taken to retain the historic integrity of the site through the realigned entrance design. It is equally important that the entrance design and appearance be consistent with the quality of the development proposed by the applicant on their neighboring property. Although Sully Historic Site is important to all of Fairfax County as a cultural landmark, the Park Authority wants to ensure that the park entrance and visitor amenities

are suitable for our new neighbors. The basic entrance package provided by VDOT does not achieve this objective and necessitates additional FCPA site investments

The Park Authority recommends that the applicant make a public facility contribution of \$450,000 (in combination with the unused portion of the ordinance-required funds, if any) be used to offset costs for expenses the Park Authority has been forced to incur due to the relocated entrance. These improvements include, but are not limited to:

- The removal of existing parking lot and landscape restoration
- New parking lot enhancements
- Controlled access electric gate and card reader system
- Landscaping utility corridor and fencing
- Security fence along the perimeter of the new development
- New entrance enhancements to transition with new development's visual theme

Originally, the Park Authority requested that these improvements be constructed by the applicant. However, due to time constraints with the opening of the new Sully Road/Barnsfield Road interchange, the Park Authority has proceeded to make these improvements as soon as possible. This request is intended to offset the costs associated with these improvements.

Proffer #41, page 10 does not sufficiently address the impacts created by the interchange and should be adjusted to state:

41. Sully Historic Site: The applicant shall contribute \$450,000 to the Fairfax County Park Authority to offset costs for necessary Sully Historic Site entrance replacement improvements resulting from the recently constructed Barnsfield/Sully Road interchange.

Stout Parcel

The Stout Parcel (Tax Map # 34-2 ((1)) 12) is an approximately 5.886-acre parcel located between the Sully Historic Site and the proposed development. The Comprehensive Plan was amended to require acquisition of the property and dedication to the Park Authority as a condition for the development to occur. The Stout Parcel could be developed under its existing industrial zoning resulting in an incompatible use adjacent to the applicant's proposed residential community. Industrial traffic would need to pass through the proposed development to access the Stout Parcel. Failure to consolidate this parcel would likely lead to an incompatible use adjacent to the applicant's property and Sully Historic Site. Consolidation of this property and dedication to the Park Authority will fulfill the Comprehensive Plan requirements and protect both adjacent landowners from incompatible uses.

The acquisition of this property will require a purchase by the applicant or a condemnation by the Park Authority. If the applicant and the current landowner are not able to agree to a private purchase, the Park Authority is willing to pursue condemnation to acquire the property in order

to protect both the proposed development and Historic Sully from potential future development impacts. All acquisition costs shall be paid solely by the developer.

We recommend that the current proposed proffer #40, page 10, for the acquisition of the Stout Property be replaced with the following language:

40. Off-Site Parcel 34-2 ((1)) 12 ("Stout Parcel"): This rezoning approval is contingent upon the acquisition of the Stout Parcel (TM# 34-2-((1))-12) in order to be in conformance with the Comprehensive Plan (Dulles Suburban Center, Land Unit D-4, Recommendation #2, p. 81). The Applicant shall diligently pursue acquisition of the Stout Property and dedicate the entire property to the Park Authority.

In order to implement the acquisition and dedication referenced above, concurrent with the first site plan review process for the approved development, the Applicant shall attempt to acquire, and then if successful, shall dedicate such Stout Property improvements described on the FDP and referenced in Proffer #38. The Applicant shall use its good faith efforts and offer a reasonable fair market value for said acquisition of property.

If, six months subsequent to the filing of the first site plan, the Applicant is unable to bring about the dedication of property, or to acquire by purchase the Stout Property at fair market value, as determined by an MAI (Member of the Appraisal Institute) appraisal, then the Applicant shall request the Fairfax County Park Authority to condemn the Stout Property.

It is understood that the Applicant's request to the Park Authority for condemnation will not be considered until it is forwarded in writing to the Planning and Development Division, accompanied by (1) plans and plats showing the necessary property to be acquired; (2) an independent appraisal of the value of the property to be acquired, (3) a sixty (60) year title search certificate of the property to be acquired; and (4) a letter of credit in an amount equal to the appraised value of the property to be acquired which can be drawn upon by the Fairfax County Park Authority; (5) a copy of the written offer; and (6) evidence of owner's refusal of offer. It is also understood that in the event the property owner of the property to be acquired is awarded with more than the appraised value of the property in a condemnation suit, the amount of the award in excess of the letter of credit amount shall be paid to the Fairfax County Park Authority by the Applicant within forty-five (45) days of said award. In addition, the Applicant agrees that all reasonable and documented sums expended by the Fairfax County Park Authority in acquiring the property shall be paid to the Fairfax County Park Authority by the Applicant within sixty (60) days of written demand.

Visual Impacts to Sully Historic Site

The Park Authority is concerned about the proposed arrangement of buildings above 35 feet in height within the Sully Historic District. The revised massing of buildings as currently proposed may be more visible to Sully than the previous layout. Staff does not believe that the line-of-

sight drawings submitted with the application are sufficient and recommends that the applicant provide balloon testing during which the Park Authority can monitor visual impacts from the second story of Sully. Both the 35-foot maximum building height within the 500-feet inside the Historic Overlay District line as well as the 65-foot maximum building height within the Historic Overlay District line should include decorative roof accessories, HVAC systems, and any other items housed on the roof.

This issue is further examined in the developer's application for a Special Exception (SE 2003-SU-023 Amended). The Park Authority has provided further recommendations with that application. There have been multiple conversations where the applicant has acknowledged the Park Authority's request for a new viewshed analysis, but this issue has yet to be addressed.

Cemeteries in Sully East

The boundaries of cemeteries on this site were previously established through archaeological investigations by Thunderbird Archaeological Associates. The cemeteries should be fenced using chain link fence set in concrete blocks to protect them from impacts during construction. Upon completion of construction activities, the cemeteries should be fenced in a manner consistent with the surrounding development and maintained. Proffer #44, page 11, should be changed to reflect the need for setting the fence posts in concrete for added protection as noted in the Park Authority's comments on prior submissions.

Natural Resource Protection

Since the previous submission the applicant has added a plant species list on the Landscape Plan (sheet 3 of 12) for the screening and landscaping on the site. The applicant proposes to use burning bush (*Euonymus alatus*) in the landscape plantings. This shrub is considered highly invasive in our region and should not be planted, especially adjacent to natural areas. The Park Authority's Natural Resource Management and Protection staff recommends that the applicant select another flowering tree or shrub for their planting. For a list of invasive species in the state of Virginia, refer to the Virginia Department of Natural Heritage website at <http://www.dcr.virginia.gov/dnh/invinfo.htm>.

Trails

As shown on the Pedestrian/Bicycle Circulation Plan (sheet 5 of 12), a proposed trail is to be constructed within the existing proposed development. The plan also shows a connection to the entryway into the Park Authority's Historic Sully Site. The trail design and construction is noted in proffer #18, page 5, and generally follows the Countywide Comprehensive Trail Plan. Due to ownership of land between the development and Historic Sully by the Metropolitan Washington Airports Authority (MWAA), a trail connection through the route shown must be approved and an easement granted by MWAA. The trail should connect the development to the proposed cul-de-sac on the Historic Sully Way, which will be the end of the public road. The Park Authority will route pedestrian traffic through the gated entryway at the cul-de-sac, controlling both pedestrian and vehicular access to Historic Sully. If this trail is not possible due to the applicant's

inability to obtain an easement from MWAA, the developer should end the trail at the western-most cul-de-sac of the development, located at Turley Hall Drive/Barnsfield Road. The Park Authority recommends adjusting the proffer language to state:

“18. Trails System: Trails and sidewalks shall be provided at the time of development of the respective areas, generally as depicted on the “Pedestrian/Bicycle Circulation Plan” included as Sheet 5 of the CDP/FDP. Trails located along public roadways shall be subject to public access easements, in standard County format, wherever they are located outside of the public ROW or public ownership. Final trail locations shall be subject to the review and approval of DPWES and the Park Authority. As depicted on the CDP/FDP, major trails shall be eight feet in width, minor trails shall be six feet in width, and sidewalks shall be five feet in width. As depicted on the “Pedestrian/Bicycle Circulation Plan,” as well as the Countywide Comprehensive Trail Plan, the Applicant shall construct a major trail from the southeast edge of property out to the cul-de-sac along Historic Sully Way, which will be the end of the public road. The applicant should secure any necessary easements from Metropolitan Washington Airports Authority (MWAA) for construction to occur. If applicant is unsuccessful at acquiring an easement from MWAA, the trail should terminate at the cul-de-sac located at the western terminus of Turley Hall Drive/Barnsfield Road.”

cc: Charles Bittenbring, Acting Director, Planning and Development Division
Cindy Messinger, Director, Resource Management Division
Sandy Stallman, Manager, Park Planning Branch
Kay Rutledge, Manager, Land Acquisition Branch
Michael Rierson, Manager, Resource Stewardship Branch
File



County of Fairfax, Virginia

APPENDIX 16

MEMORANDUM

DATE: 28 November 2006

TO: John-David Moss, ZED Coordinator

FROM: Linda Cornish Blank
Historic Preservation Planner

SUBJECT: **RZ/FDP 2003-SU-035 and SE 2003-SU-023;** Rezone approximately 77.74 acres.
Rezone Approximately 64.20 acres from I-3, I-5, AN, WS and HD (part) to PDH-16 for a mixed-use residential and neighborhood commercial development; Approximately 13.54 acres to PDC. Dulles Discovery Heritage Resource Comment

Zoning Ordinance requirement: A portion of the subject area of the RZ/FDP and SE application is located within the Sully Historic Overlay District as acknowledged in the application. In accordance with the Zoning Ordinance Part 2, 7-200 Historic Overlay Districts, Section 7-204 (1) "All applications for rezones, special exception . . . shall be referred to the ARB (Architectural Review Board) for its review and recommendation . . ."

ARB review and recommendation: The applicant's representative presented the application to the ARB at a workshop session at the ARB's September 14, 2006 meeting. At its October 12, 2006 meeting, the ARB recommended approval of 1) Special Exception Application SE 2003-SU-023 request for an increase in building height to allow multi-family residential building up to 60' in height on the portion of the property within the outermost 500' perimeter of the HOD; and 2) RZ 2003-SU-035 request for a rezoning of 64 acres from Industrial to PDH-16 and 13 acres to the PDC District with the exception of an area within a 150' radius of the traffic circle at Historic Sully Way which was deferred for re-study of the design treatment and layout. (Item ARB-06-SUL-04) The plans reviewed and recommended for approval by the ARB are dated September 26, 2006.

At its November 9, 2006 meeting the ARB recommended: 1) approval of the concept for the area within a 150' radius of the traffic circle at Historic Sully Way and proposal to move buildings further away from the rotary, 2) deleting the north entry drive from the clubhouse to Historic Sully Way, and 3) the restudy of landscaping at the rotary area and re-study of crosswalk at east side of rotary to include a crosswalk at that site. The concept plans reviewed and recommended for approval by the ARB are dated October 26, 2006. (Item ARB-06-SUL-04)

Heritage Resource Comment: The Zoning Ordinance stipulates that ARB approval is required prior to the issuance of sign permits. The applicant acknowledges this in Proffer #30 dated November 16, 2006. Sheet 4 of the CDP/FDP dated November 16, 2006 shows "Potential Sign Locations" for three types of signs; this was not included in the September 26, 2006 plans reviewed by the ARB.

Recommendation: Approval of the CDP/FDP allows for flexibility in the location of the potential signs and the final location be subject to ARB review and approval.

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/

The applicant indicates in Proffers #44 and #46 dated November 16, 2006 that a "Phase I Archaeological Survey" has been performed and that the two cemeteries located along the south side of Barnsfield Road will be protected during construction and enclosed by a metal fence at the completion of construction.

Recommendation: If the Phase I Archaeological Survey did not include the area adjacent to and immediately surrounding the cemeteries to determine if all graves had been located, that such a survey be completed prior to the approval of the CDP/FDP and coordinated with the FCPA Cultural Resource Management and Protection Section.




County of Fairfax, Virginia

MEMORANDUM

DATE: September 8, 2006

TO: John-David Moss, Staff Coordinator
Zoning Evaluation Division, Department of Planning and Zoning

FROM: Janet E. Coldsmith, CAE, Director 
Real Estate Division, DTA

SUBJECT: Route 28 Tax District Lump Sum Payment
Cases: RZ/FDP 2003-SU-035, Sully East, L.C.

As requested, DTA has calculated the estimated one time payment for the parcels listed below in accordance with the Board of Supervisors approved procedures.

Tax Map	Square Feet	January 1, 2006 Assessed Value
034-2-01-1A,2,3A,10A, 27, 33 and 35	2,796,552	\$16,779,310

The estimated one time lump sum payment is \$503,278.32.

If you need any assistance, please let me know.

JEC/tds

Attachments

cc: Kevin C. Greenlief, Director
Department of Tax Administration

James P. Zook, Director
Department of Planning and Zoning

Kathy Ichter, Director
Department of Transportation

Julio Vargas, Director
Revenue Collections Division, DTA

Donna F. McNeally, Branch Chief
Zoning Evaluation Branch, Department of Planning and Zoning

**DEPARTMENT OF TAX ADMINISTRATION (DTA)
REAL ESTATE DIVISION**

12000 Government Center Parkway, Suite 357
Fairfax, VA 22035

Phone: 703-222-8234

Fax: 703-324-4935, TTY 703-222-7594

www.fairfaxcounty.gov/dta/re

Rt. 28 District Lump Sum Payment

September 8, 2006

Page 2

Deborah Brown, Innovative Finance and Revenue Generation Officer
Virginia Department of Transportation

Elizabeth D. Baker, Land Use Coordinator
Walsh, Colucci, Emrich, Lubeley & Terpak, P.C.

Map Reference Number: 034-2-01-0001A, 2, 3A, 10A, 27, 33, and 35
RZ /FDP 2003-SU-035

**FAIRFAX COUNTY, VIRGINIA
MEMORANDUM**

TO: Linda Mellott

FROM: Howard W. Goodie

SUBJECT: Route 28 Tax District Lump Sum Payment

REFERENCE: RZ/FDP 2003-SU-035
Sully East, L.C.
Dulles Discovery South

DATE: August 8, 2006

64.2 acres of land currently zoned industrial will be rezoned to allow 989 dwelling units (maximum density is 15.4 dwelling units per acre). 13.5 acres will be rezoned for neighborhood-level retail and office uses, and therefore is not included for purposes of determining the Route 28 Tax District lump sum payment. The 1/1/2006 assessed value for the portion of this rezoning application that is being rezoned from industrial zoning to PDC to allow residential development is as follows:

34-2/01/0010A	1,619,848 SF @ \$6/SF	\$ 9,719,090
34-2/01/0035	428,697 SF @ \$6/SF	\$ 2,572,180
34-2/01/0002	324,022 SF @ \$6/SF	\$ 1,944,130
34-2/01/0027	257,969 SF @ \$6/SF	\$ 1,547,810
34-2/01/0003-A	166,016 SF @ \$6/SF	\$ 996,100

Total 1/1/2006 Value	\$16,779,310
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RESIDENTIAL DEVELOPMENT CRITERIA

Fairfax County expects new residential development to enhance the community by: fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on other public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing and, being responsive to the unique site specific considerations of the property. To that end, the following criteria are to be used in evaluating zoning requests for new residential development. The resolution of issues identified during the evaluation of a specific development proposal is critical if the proposal is to receive favorable consideration.

Where the Plan recommends a possible increase in density above the existing zoning of the property, achievement of the requested density will be based, in substantial part, on whether development related issues are satisfactorily addressed as determined by application of these development criteria. Most, if not all, of the criteria will be applicable in every application; however, due to the differing nature of specific development proposals and their impacts, the development criteria need not be equally weighted. If there are extraordinary circumstances, a single criterion or several criteria may be overriding in evaluating the merits of a particular proposal. Use of these criteria as an evaluation tool is not intended to be limiting in regard to review of the application with respect to other guidance found in the Plan or other aspects that the applicant incorporates into the development proposal. Applicants are encouraged to submit the best possible development proposals. In applying the Residential Development Criteria to specific projects and in determining whether a criterion has been satisfied, factors such as the following may be considered:

- the size of the project
- site specific issues that affect the applicant's ability to address in a meaningful way relevant development issues
- whether the proposal is advancing the guidance found in the area plans or other planning and policy goals (e.g. revitalization).

When there has been an identified need or problem, credit toward satisfying the criteria will be awarded based upon whether proposed commitments by the applicant will significantly advance problem resolution. In all cases, the responsibility for demonstrating satisfaction of the criteria rests with the applicant.

1. Site Design:

All rezoning applications for residential development should be characterized by high quality site design. Rezoning proposals for residential development, regardless of the proposed density, will be evaluated based upon the following principles, although not all of the principles may be applicable for all developments.

- a) *Consolidation:* Developments should provide parcel consolidation in conformance with any site specific text and applicable policy recommendations of the Comprehensive Plan. Should the Plan text not specifically address consolidation, the nature and extent of any proposed parcel consolidation should further the integration of the development with adjacent parcels. In any event, the proposed consolidation should not preclude nearby properties from developing as recommended by the Plan.
- b) *Layout:* The layout should:
 - provide logical, functional and appropriate relationships among the various parts (e. g. dwelling units, yards, streets, open space, stormwater management facilities, existing vegetation, noise mitigation measures, sidewalks and fences);
 - provide dwelling units that are oriented appropriately to adjacent streets and homes;

- include usable yard areas within the individual lots that accommodate the future construction of decks, sunrooms, porches, and/or accessory structures in the layout of the lots, and that provide space for landscaping to thrive and for maintenance activities;
 - provide logical and appropriate relationships among the proposed lots including the relationships of yards, the orientation of the dwelling units, and the use of pipestem lots;
 - provide convenient access to transit facilities;
 - Identify all existing utilities and make every effort to identify all proposed utilities and stormwater management outfall areas; encourage utility collocation where feasible.
- c) *Open Space:* Developments should provide usable, accessible, and well-integrated open space. This principle is applicable to all projects where open space is required by the Zoning Ordinance and should be considered, where appropriate, in other circumstances.
- d) *Landscaping:* Developments should provide appropriate landscaping: for example, in parking lots, in open space areas, along streets, in and around stormwater management facilities, and on individual lots.
- e) *Amenities:* Developments should provide amenities such as benches, gazebos, recreational amenities, play areas for children, walls and fences, special paving treatments, street furniture, and lighting.

2. Neighborhood Context

All rezoning applications for residential development, regardless of the proposed density, should be designed to fit into the community within which the development is to be located. Developments should fit into the fabric of their adjacent neighborhoods, as evidenced by an evaluation of:

- transitions to abutting and adjacent uses;
- lot sizes, particularly along the periphery;
- bulk/mass of the proposed dwelling units;
- setbacks (front, side and rear);
- orientation of the proposed dwelling units to adjacent streets and homes;
- architectural elevations and materials;
- pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses;
- existing topography and vegetative cover and proposed changes to them as a result of clearing and grading.

It is not expected that developments will be identical to their neighbors, but that the development fit into the fabric of the community. In evaluating this criterion, the individual circumstances of the property will be considered: such as, the nature of existing and planned development surrounding and/or adjacent to the property; whether the property provides a transition between different uses or densities; whether access to an infill development is through an existing neighborhood; or, whether the property is within an area that is planned for redevelopment.

3. Environment:

All rezoning applications for residential development should respect the environment. Rezoning proposals for residential development, regardless of the proposed density, should be consistent with the policies and objectives of the environmental element of the Policy Plan, and will also be evaluated on the following principles, where applicable.

- a) *Preservation*: Developments should conserve natural environmental resources by protecting, enhancing, and/or restoring the habitat value and pollution reduction potential of floodplains, stream valleys, EQCs, RPAs, woodlands, wetlands and other environmentally sensitive areas.
- b) *Slopes and Soils*: The design of developments should take existing topographic conditions and soil characteristics into consideration.
- c) *Water Quality*: Developments should minimize off-site impacts on water quality by commitments to state of the art best management practices for stormwater management and low-impact site design techniques.
- d) *Drainage*: The volume and velocity of stormwater runoff from new development should be managed in order to avoid impacts on downstream properties. Where drainage is a particular concern, the applicant should demonstrate that off-site drainage impacts will be mitigated and that stormwater management facilities are designed and sized appropriately. Adequate drainage outfall should be verified, and the location of drainage outfall (onsite or offsite) should be shown on development plans.
- e) *Noise*: Developments should protect future and current residents and others from the adverse impacts of transportation generated noise.
- f) *Lighting*: Developments should commit to exterior lighting fixtures that minimize neighborhood glare and impacts to the night sky.
- g) *Energy*: Developments should use site design techniques such as solar orientation and landscaping to achieve energy savings, and should be designed to encourage and facilitate walking and bicycling.

4. Tree Preservation and Tree Cover Requirements:

All rezoning applications for residential development, regardless of the proposed density, should be designed to take advantage of the existing quality tree cover. If quality tree cover exists on site as determined by the County, it is highly desirable that developments meet most or all of their tree cover requirement by preserving and, where feasible and appropriate, transplanting existing trees. Tree cover in excess of ordinance requirements is highly desirable. Proposed utilities, including stormwater management and outfall facilities and sanitary sewer lines, should be located to avoid conflicts with tree preservation and planting areas.

5. Transportation:

All rezoning applications for residential development should implement measures to address planned transportation improvements. Applicants should offset their impacts to the transportation network. Accepted techniques should be utilized for analysis of the development's impact on the network. Residential development considered under these criteria will range widely in density and, therefore, will result in differing impacts to the transportation network. Some criteria will have universal applicability while others will apply only under specific circumstances. Regardless of the proposed density, applications will be evaluated based upon the following principles, although not all of the principles may be applicable.

- a) *Transportation Improvements:* Residential development should provide safe and adequate access to the road network, maintain the ability of local streets to safely accommodate traffic, and offset the impact of additional traffic through commitments to the following:
- Capacity enhancements to nearby arterial and collector streets;
 - Street design features that improve safety and mobility for non-motorized forms of transportation;
 - Signals and other traffic control measures;
 - Development phasing to coincide with identified transportation improvements;
 - Right-of-way dedication;
 - Construction of other improvements beyond ordinance requirements;
 - Monetary contributions for improvements in the vicinity of the development.
- b) *Transit/Transportation Management:* Mass transit usage and other transportation measures to reduce vehicular trips should be encouraged by:
- Provision of bus shelters;
 - Implementation and/or participation in a shuttle bus service;
 - Participation in programs designed to reduce vehicular trips;
 - Incorporation of transit facilities within the development and integration of transit with adjacent areas;
 - Provision of trails and facilities that increase safety and mobility for non-motorized travel.
- c) *Interconnection of the Street Network:* Vehicular connections between neighborhoods should be provided, as follows:
- Local streets within the development should be connected with adjacent local streets to improve neighborhood circulation;
 - When appropriate, existing stub streets should be connected to adjoining parcels. If street connections are dedicated but not constructed with development, they should be identified with signage that indicates the street is to be extended;
 - Streets should be designed and constructed to accommodate safe and convenient usage by buses and non-motorized forms of transportation;
 - Traffic calming measures should be implemented where needed to discourage cut-through traffic, increase safety and reduce vehicular speed;
 - The number and length of long, single-ended roadways should be minimized;
 - Sufficient access for public safety vehicles should be ensured.
- d) *Streets:* Public streets are preferred. If private streets are proposed in single family detached developments, the applicant shall demonstrate the benefits for such streets. Applicants should make appropriate design and construction commitments for all private streets so as to minimize maintenance costs which may accrue to future property owners. Furthermore, convenience and safety issues such as parking on private streets should be considered during the review process.
- e) *Non-motorized Facilities:* Non-motorized facilities, such as those listed below, should be provided:
- Connections to transit facilities;
 - Connections between adjoining neighborhoods;
 - Connections to existing non-motorized facilities;
 - Connections to off-site retail/commercial uses, public/community facilities, and natural and recreational areas;
 - An internal non-motorized facility network with pedestrian and natural amenities, particularly those included in the Comprehensive Plan;

- Offsite non-motorized facilities, particularly those included in the Comprehensive Plan;
- Driveways to residences should be of adequate length to accommodate passenger vehicles without blocking walkways;
- Construction of non-motorized facilities on both sides of the street is preferred. If construction on a single side of the street is proposed, the applicant shall demonstrate the public benefit of a limited facility.

f) *Alternative Street Designs:* Under specific design conditions for individual sites or where existing features such as trees, topography, etc. are important elements, modifications to the public street standards may be considered.

6. Public Facilities:

Residential development impacts public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). These impacts will be identified and evaluated during the development review process. For schools, a methodology approved by the Board of Supervisors, after input and recommendation by the School Board, will be used as a guideline for determining the impact of additional students generated by the new development.

Given the variety of public facility needs throughout the County, on a case-by-case basis, public facility needs will be evaluated so that local concerns may be addressed.

All rezoning applications for residential development are expected to offset their public facility impact and to first address public facility needs in the vicinity of the proposed development. Impact offset may be accomplished through the dedication of land suitable for the construction of an identified public facility need, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Selection of the appropriate offset mechanism should maximize the public benefit of the contribution.

Furthermore, phasing of development may be required to ensure mitigation of impacts.

7. Affordable Housing:

Ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. Part 8 of Article 2 of the Zoning Ordinance requires the provision of Affordable Dwelling Units (ADUs) in certain circumstances. Criterion #7 is applicable to all rezoning applications and/or portions thereof that are not required to provide any Affordable Dwelling Units, regardless of the planned density range for the site.

a) *Dedication of Units or Land:* If the applicant elects to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance: a maximum density of 20% above the upper limit of the Plan range could be achieved if 12.5% of the total number of single family detached and attached units are provided pursuant to the Affordable Dwelling Unit Program; and, a maximum density of 10% or 20% above the upper limit of the Plan range could be achieved if 6.25% or 12.5%, respectively of the total number of multifamily units are provided to the Affordable Dwelling Unit Program. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board.

- b) *Housing Trust Fund Contributions:* Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs. This contribution shall be payable prior to the issuance of the first building permit. For for-sale projects, the percentage set forth above is based upon the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. For rental projects, the amount of the contribution is based upon the total development cost of the portion of the project subject to the contribution for all elements necessary to bring the project to market, including land, financing, soft costs and construction. The sales price or development cost will be determined by the Department of Housing and Community Development, in consultation with the Applicant and the Department of Public Works and Environmental Services. If this criterion is fulfilled by a contribution as set forth in this paragraph, the density bonus permitted in a) above does not apply.

8. Heritage Resources:

Heritage resources are those sites or structures, including their landscape settings, that exemplify the cultural, architectural, economic, social, political, or historic heritage of the County or its communities. Such sites or structures have been 1) listed on, or determined eligible for listing on, the National Register of Historic Places or the Virginia Landmarks Register; 2) determined to be a contributing structure within a district so listed or eligible for listing; 3) located within and considered as a contributing structure within a Fairfax County Historic Overlay District; or 4) listed on, or having a reasonable potential as determined by the County, for meeting the criteria for listing on, the Fairfax County Inventories of Historic or Archaeological Sites.

In reviewing rezoning applications for properties on which known or potential heritage resources are located, some or all of the following shall apply:

- a) Protect heritage resources from deterioration or destruction until they can be documented, evaluated, and/or preserved;
- b) Conduct archaeological, architectural, and/or historical research to determine the presence, extent, and significance of heritage resources;
- c) Submit proposals for archaeological work to the County for review and approval and, unless otherwise agreed, conduct such work in accordance with state standards;
- d) Preserve and rehabilitate heritage resources for continued or adaptive use where feasible;
- e) Submit proposals to change the exterior appearance of, relocate, or demolish historic structures to the Fairfax County Architectural Review Board for review and approval;
- f) Document heritage resources to be demolished or relocated;
- g) Design new structures and site improvements, including clearing and grading, to enhance rather than harm heritage resources;
- h) Establish easements that will assure continued preservation of heritage resources with an appropriate entity such as the County's Open Space and Historic Preservation Easement Program; and

- i) Provide a Fairfax County Historical Marker or Virginia Historical Highway Marker on or near the site of a heritage resource, if recommended and approved by the Fairfax County History Commission.

ROLE OF DENSITY RANGES IN AREA PLANS

Density ranges for property planned for residential development, expressed generally in terms of dwelling units per acre, are recommended in the Area Plans and are shown on the Comprehensive Plan Map. Where the Plan text and map differ, the text governs. In defining the density range:

- the “base level” of the range is defined as the lowest density recommended in the Plan range, i.e., 5 dwelling units per acre in the 5-8 dwelling unit per acre range;
- the “high end” of the range is defined as the base level plus 60% of the density range in a particular Plan category, which in the residential density range of 5-8 dwelling units per acre would be considered as 6.8 dwelling units per acre and above; and,
- the upper limit is defined as the maximum density called for in any Plan range, which, in the 5-8 dwelling unit per acre range would be 8 dwelling units per acre.
- In instances where a range is not specified in the Plan, for example where the Plan calls for residential density up to 30 dwelling units per acre, the density cited in the Plan shall be construed to equate to the upper limit of the Plan range, and the base level shall be the upper limit of the next lower Plan range, in this instance, 20 dwelling units per acre.

6-107 Lot Size Requirements

1. Minimum district size: Land shall be classified in the PDH District only on a parcel of two (2) acres or larger and only when the purpose and intent and all of the standards and requirements of the PDH District can be satisfied.
2. Minimum lot area: No requirement for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a development plan.
3. Minimum lot width: No requirement for each use or building.

6-108 Bulk Regulations

The maximum building height, minimum yard requirements and maximum floor area ratio shall be controlled by the standards set forth in Part 1 of Article 16.

6-109 Maximum Density

1. For purposes of computing density, the PDH District is divided into subdistricts in which the residential density is limited as set forth below, except that the maximum density limitations may be increased in accordance with the requirements for affordable dwelling units set forth in Part 8 of Article 2.

Subdistrict	Density
PDH-1	1 dwelling unit per acre
PDH-2	2 dwelling units per acre
PDH-3	3 dwelling units per acre
PDH-4	4 dwelling units per acre
PDH-5	5 dwelling units per acre
PDH-8	8 dwelling units per acre
PDH-12	12 dwelling units per acre
PDH-16	16 dwelling units per acre
PDH-20	20 dwelling units per acre
PDH-30	30 dwelling units per acre
PDH-40	40 dwelling units per acre

2. The Board may, in its sole discretion, increase the maximum number of dwelling units in a PDH District in accordance with and when the conceptual and the final development plans include one or more of the following; but in no event shall such increase be permitted when such features were used to meet the development criteria in the adopted comprehensive plan and in no event shall the total number of dwellings exceed 125% of the number permitted in Par. 1 above.
 - A. Design features, amenities, open space and/or recreational facilities in the planned development which in the opinion of the Board are features which achieve an exceptional and high quality development - As determined by the Board, but not to exceed 5%.
 - B. Preservation and restoration of buildings, structures, or premises which have historic or architectural significance - As determined by the Board, but not to exceed 5%.

- C. Development of the subject property in conformance with the comprehensive plan with a less intense use or density than permitted by the current zoning district - As determined by the Board in each instance, but not to exceed 10%.

6-110

Open Space

1. The following minimum amount of open space shall be provided in each PDH subdistrict:

Subdistrict	Open Space	Affordable Dwelling Unit Development Open Space
PDH-1	25% of the gross area	Not Applicable
PDH-2	20% of the gross area	18% of the gross area
PDH-3	20% of the gross area	18% of the gross area
PDH-4	20% of the gross area	18% of the gross area

6-207**Lot Size Requirements**

1. Minimum district size: No land shall be classified in the PDC District unless the Board finds that the proposed development meets at least one (1) of the following conditions:
 - A. The proposed development will yield a minimum of 100,000 square feet of gross floor area.
 - B. The proposed development will be a logical extension of an existing P District, in which case it must yield a minimum of 40,000 square feet of gross floor area.
 - C. The proposed development is located within an area designated as a Community Business Center in the adopted comprehensive plan or is in a Commercial Revitalization District and a final development plan is submitted and approved concurrently with the conceptual development plan for the proposed development. The conceptual and final development plan shall specify the uses and gross floor area for the proposed development and shall provide site and building designs that will complement existing and planned development by incorporating high standards of urban design, to include provision for any specific urban design plans for the area and for pedestrian movement and access.
2. Minimum lot area: No requirement for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a development plan.
3. Minimum lot width: No requirement for each use or building.

6-208**Bulk Regulations**

1. Maximum building height: Controlled by the standards set forth in Part 1 of Article 16.
2. Minimum yard requirements: Controlled by the standards set forth in Part 1 of Article 16.
3. Maximum floor area ratio: 1.5, which may be increased by the Board, in its sole discretion, up to a maximum of 2.5 in accordance with and when the conceptual and final development plans include one or more of the following:
 - A. More open space than the minimum required by Sect. 209 below - Not more than 2% for each additional 1% of the gross area provided in open space.
 - B. Unique design features and amenities within the planned development which require unusually high development costs and which achieve an especially attractive and desirable development, such as, but not limited to, terraces, sculpture, reflecting pools and fountains - As determined by the Board in each instance, but not to exceed 35%.
 - C. Below-surface off-street parking facilities - Not more than 5% for each 20% of the required number of parking spaces to be provided.

- D. Above-surface off-street parking facilities within an enclosed building or structure - Not more than 3% for each 20% of the required number of parking spaces to be provided.

The maximum floor area ratio permitted by this Part shall exclude the floor area for affordable and bonus market rate dwelling units provided in accordance with Part 8 of Article 2.

6-209

Open Space

1. 15% of the gross area shall be open space.

9-607 Provisions for Approving an Increase in Building Heights

As set forth in the C-3, C-4, C-6, C-7, C-8, C-9, I-1, I-2, I-3, I-4, I-5 and I-6 Districts, and as applicable to all Group 3, Institutional Uses and Category 3, Quasi-Public Uses, the Board may approve a special exception for an increase in height above the maximum building height regulations specified for the zoning district or a given use, but only in accordance with the following provisions:

- ☒ 1. An increase in height may be approved only where such will be in harmony with the policies embodied in the adopted comprehensive plan.
- ☒ 2. An increase in height may be approved only in those locations where the resultant height will not be detrimental to the character and development of adjacent lands.
- ☒ 3. An increase in height may be approved in only those instances where the remaining regulations for the zoning district can be satisfied.

16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 General Standards

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

- ☒ 1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
- ☒ 2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
- ☒ 3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
- ☒ 4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
- ☒ 5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
- ☒ 6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

- ☒ 1. In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.
- ☒ 2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
- ☒ 3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of-way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted in the zoning district if the site were developed as a conventional subdivision. See Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area; information such as topography, location and size of proposed structures, location of streets, trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measuremer assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PD	Planning Division
ADU	Affordable Dwelling Unit	PDC	Planned Development Commercial
ARB	Architectural Review Board	PDH	Planned Development Housing
BMP	Best Management Practices	PFM	Public Facilities Manual
BOS	Board of Supervisors	PRC	Planned Residential Community
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SP	Special Permit
DP	Development Plan	TDM	Transportation Demand Management
DPWES	Department of Public Works and Environmental Services	TMA	Transportation Management Association
DPZ	Department of Planning and Zoning	TSA	Transit Station Area
DU/AC	Dwelling Units Per Acre	TSM	Transportation System Management
EQC	Environmental Quality Corridor	UP & DD	Utilities Planning and Design Division, DPWES
FAR	Floor Area Ratio	VC	Variance
FDP	Final Development Plan	VDOT	Virginia Dept. of Transportation
GDP	Generalized Development Plan	VPD	Vehicles Per Day
GFA	Gross Floor Area	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	ZAD	Zoning Administration Division, DPZ
Non-RUP	Non-Residential Use Permit	ZED	Zoning Evaluation Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZPRB	Zoning Permit Review Branch
PCA	Proffered Condition Amendment		